Par. S.2.1.1.52
836

Volume I
No. 1 — 21

सत्यमेव जयते

Monday
21st July, 1952

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

CONTENTS

Members Sworn [Cols. 2—18].

PARLIAMENT SECRETARIAT
NEW DELHI

Price Six Annas (Inland)
Price Two Shillings (Foreign)

Gazettes & Debates Section
Parliament Library Building
Room No. FB-025
Block 'G'
Acc. No. 25049
Dated 19.11.2014

THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

HOUSE OF THE PEOPLE

Monday, the 21st July, 1952

The House met at a Quarter Past Eight of the Clock

[MR. SPEAKER *in the Chair*]

MEMBER SWORN

Shri Sibnarayan Singh Mehapatra (Sundargarh—Reserved—Sch. tribes).

ORAL ANSWERS TO QUESTIONS

COFFEE

*1872. **Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what was the quantity of production of Coffee in India in 1949-50, 1950-51 and 1951-52;

(b) how much of the quantity produced was exported and how much was used for home consumption;

(c) the names of countries to which Coffee is exported; and

(d) which other countries grow Coffee?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 11.]

(c) During the last 3 years, coffee was largely exported to the following countries: The U.K., France, Netherlands, Italy, Germany, Burma, Switzerland, Norway, Sweden, Austria, Egypt, Czechoslovakia and Ceylon.

(d) The main coffee producing countries are: Brazil, Colombia, Mexico, El Salvador, Guatemala, Indonesia, Angola and French West Africa.

Shri S. C. Samanta: May I know the method of allocation of coffee for internal consumption and export?

Shri Karmarkar: I would like to claim the indulgence of the House and make the following submission. Many times questions are asked which do not arise mainly out of the main question. For instance the main question in this case relates to production and export, while the supplementary relates to method of allocation. I would like to submit that for questions like this, we are bound to ask for notice.

Mr. Speaker: Does it mean that the hon. the Minister wants notice for this question?

Shri Karmarkar: I beg to submit, Sir, that this does arise out of the main question. Therefore I ask for notice.

Shri S. C. Samanta: May I submit, Sir, that in the main question I have asked for the amount of internal consumption also? However may I know whether a small portion of the coffee produced is disposed in order to keep up the prices here? If so, how is that system working?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Sir, the work is done by the Coffee Board. All coffee produced is received in a pool, and the coffee powder released for internal consumption through auctions, co-operative agencies and the India Coffee House; and for export through tenders. The allocation is decided on the extent and nature of the coffee available; the hon. Member will see from the statement furnished to him that in 1950-51, the allotment for export was considerably reduced.

Shri S. C. Samanta: May I know which of the two kinds of coffee,—the Pea Berry or the native Flat,—is welcomed by foreigners?

Shri T. T. Krishnamachari: I am afraid I have to ask for notice.

Shri Altekar: What is the value of the coffee produced in this country?

Shri T. T. Krishnamachari: I have got only the quantities with me here and not the value.

Kumari Anne Mascarene: May I know the price of coffee here for consumption within the country?

Shri T. T. Krishnamachari: The hon. Member could get the information, if she goes to the India Coffee House.

Sardar Hukam Singh: Is it a fact that only specified number of persons are allowed to bid at the auction for release of coffee for internal consumption?

Shri T. T. Krishnamachari: I cannot give any answer without verification. Actually this is done by the coffee board.

Kumari Anne Mascarene: On a point of order, Sir......

Mr. Speaker: There may be so many points of order. but let us not take the time from the question hour.

Shri Sarangadhar Das: May I know what is the quantity of coffee exported to the United States? In view of the fact that that country consumes an enormous amount of coffee, what efforts are being made to popularise Indian coffee there? And what is the rate of expansion of our exports to that country from year to year?

Shri T. T. Krishnamachari: In regard to details of quantities exported to countries abroad. countrywise, I am afraid I have to ask for notice. But in regard to popularisation of our Coffee in the United States. the hon. Member will recollect that the quantity available for export is so small that it would not be worth our while to spend any money on doing propaganda for our coffee elsewhere.

Mr. Speaker: The hon. lady Member can state her point of order now.

Kumari Anne Mascarene: The price of coffee varies in the different parts of the country. I asked the hon. the Minister whether it is fixed by Government and the answer given by the hon. the Minister is that I should go and ask the India Coffee House. That does not require his advice.

Mr. Speaker: Order, order.

Shri S. C. Samanta: From the statement. I find that the home consumption of coffee is increasing day by day. May I know whether any steps have been taken by the Government to produce more coffee in places other than South India also?

Shri T. T. Krishnamachari: I am afraid this is a matter on which it is very difficult for my Ministry to give an answer, because the Coffee Board is almost an autonomous body. Its set up is such that one section of it does research work in regard to yield and additional plantation. while the other section is working purely on the marketing side. There is very little co-ordination between the two sections. except through the Chairman of the Board. I quite realise that Government's control in this matter is not adequate. and so we are considering proposals for amendment of the Act. so that there will be co-ordinated activity between the Government and the Coffee Board. But at the moment. I am unable to give any definite reply.

DISPLACED PERSONS FROM EAST BENGAL

***1873. Shri S. C. Samanta:** Will the Minister of **Rehabilitation** be pleased to state the total number of displaced persons from East Bengal who have been admitted into camps or sent direct to rehabilitation colonies since the 1st April. 1951?

The Minister of Rehabilitation (Shri A. P. Jain): The number of displaced persons admitted into camps is 93,159 and those sent to rehabilitation colonies direct is 12,972.

Shri S. C. Samanta: May I know the daily average number of displaced persons that are coming at present from East Bengal?

Shri A. P. Jain: I want notice.

Shri S. C. Samanta: In view of the fact that the economic saturation point of West Bengal has been reached. may I know what further arrangements have been made for the displaced persons that are coming in at present?

Shri A. P. Jain: So far as the saturation point is concerned. opinions differ. I think there has been quite a good amount of congestion in West Bengal, and we have not made so far any arrangements outside: we are trying to make arrangements for sending West Bengal Refugees outside West Bengal. But that will ultimately depend upon the extent to which the West Bengal Government is prepared to send them out.

Shri S. C. Samanta: May I draw the attention of the hon. the Minister to the Statement in the '*Hindustan Standard*' of today that such a saturation point has been reached. as has been expressed by the hon. the Minister for Rehabilitation of West Bengal. and may I know whether any further arrangements have been made, as was contemplated by the hon. the Minister?

Shri A. P. Jain: In fact multiple arrangements were made on the express condition that the West Bengal Government will send the requisite number of displaced persons for colonisation outside Bengal. But on almost all occasions,—except if I remember right, one—the West Bengal Government failed in its efforts to send out displaced persons outside West Bengal. Of course I am excluding Bihar and Orissa. Even in that particular case when arrangements were made for about 500 families, the West Bengal Government succeeded in sending only 200 or 300 families. Every time that I make arrangements for setting up a colony outside Bengal, I want to be assured that the West Bengal Government will be able to resist the disinclination of the refugees to go outside West Bengal, and send out the requisite number of refugees.

Shri S. C. Samanta: Is it a fact that the site of an old aerodrome has been acquired and four storeyed buildings will be built there for the accommodation of these displaced persons?

Shri A. P. Jain: Sir, the site has not so far been acquired but the matter is under consideration.

Shri A. C. Guha: May I know, Sir, what arrangements have been made for relieving the congestion at the Sealdah Station where refugees are congesting?

Shri A. P. Jain: These refugees are being transferred to transit camps where they will be carefully scrutinised and further sent to other work centres or rehabilitation colonies.

Shri A. C. Guha: Is there any number fixed for daily removal of refugees from Sealdah to transit camps?

Shri A. P. Jain: No.

Shri A. C. Guha: May I know, Sir, the total number now in Sealdah station?

Shri A. P. Jain: I do not have those figures.

Jonab Amjad Ali: May I know, Sir, how many refugees have been sent to Assam, Andaman and Nicobar islands and Mysore?

Shri A. P. Jain: We do not send any refugees to Assam. So far as Assam is concerned, refugees walk into Assam. We have not sent any to Mysore. I cannot give figures about Andamans.

Shri Biren Dutt: May I know, Sir, how many refugees are at present settled in Tripura?

Shri A. P. Jain: The total number would be about 81,000.

Shri T. K. Chaudhuri: May I know, Sir, if in view of the fact that an increased number of refugees has been coming to West Bengal in recent months, Government propose to increase the financial grants for refugee rehabilitation in West Bengal?

Shri A. P. Jain: At present there is no proposal to increase the rehabilitation grant, but, of course, everything depends upon how things progress.

INDO-PAKISTAN INFORMATION CONSULTATIVE COMMITTEE

***1874. Shri S. C. Samanta:** (a) Will the Minister of **Information and Broadcasting** be pleased to state what were the main recommendations of the Indo-Pakistan Information Consultative Committee?

(b) How far have they been carried out by both the countries?

(c) What is the number of complaints made both by India and Pakistan for infringement of the agreements or arrangements made?

(d) How many newspapers and periodicals were banned entry into both the countries and how many are still banned?

(e) Is the Press Sub-Committee to examine the comments and reports in newspapers of the two countries still in existence?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). A statement is placed on the Table of the House. [*See* Appendix IX, annexure No. 12.]

(c) Complaints are continuously exchanged regarding infringements of the Agreement and the time and labour involved, therefore, in collecting the information required from the year 1948 will not be commensurate with the results achieved.

(d) A statement is placed on the Table of the House. [*See* Appendix IX, annexure No. 12.]

(e) The hon. Member is presumably referring to the sub-committee appointed by the Joint Press Committee of the All India Newspaper Editors Conference and Pakistan Newspaper Editors Conference for emergency consultation in regard to publications in the press in the two Bengals. These are non-official organisations.

Shri S. C. Samanta: May I know, Sir, whether the Sub-Committee formed by the newspapermen of both the countries have given any report, official or non-official, to our Government?

Dr. Keskar: There has been no official report of the meetings of which there were only two.

Shri S. C. Samanta: May I know, Sir, the trend of comments of newspapers at present in both the countries about disputed matters?

Dr. Keskar: It is a rather very general and difficult question to answer.

Mr. Speaker: Order, order. It is rather difficult for him to answer that question.

Shri A. C. Guha: Has the attention of the hon. Minister been drawn to some reports published sometime ago in DAWN and some other papers about some riots during the Holi days in Bihar and U.P. and also some riots in Calcutta on 7th May, and whether Government have verified if the reports are true or false; if so, what action has the Government taken?

Dr. Keskar: The attention of the Government has been drawn to these reports. In fact, we continuously draw the attention of the Pakistan Government to such reports which are published in their papers and which have no foundation or are exaggerated.

Shri A. C. Guha: May I know, Sir, if the Government has taken any steps to counteract the effect of this false propaganda in the international world also?

Dr. Keskar: Wherever necessary and possible this is done, but it is not possible for us continuously to contradict statements which are published daily.

Dr. S. P. Mookerjee: Does Government ever verify that the contradictions which are issued by our Government are published in the Pakistani papers?

Dr. Keskar: I would require notice to find out the exact number of contradictions that are published.

Sardar Hukam Singh: Out of all protests made or complaints lodged, has there been a single case in which Pakistan admitted our complaint?

Dr. Keskar: Sir, it is difficult for me to say off-hand. I will have to look into all the complaints. A section of the complaints I have got with me for one quarter and there are hundreds of them.

Shri A. C. Guha: Can the hon. Minister tell us what has been the effect of the recent report in Pakistan papers about the riot in Tipperah as regards the security of the minorities in East Bengal?

Dr. Keskar: I would require notice.

EXPORTS TO U.S.A.

***1875. Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total value of India's exports to the U.S.A. in the year 1951-52; and

(b) whether the export figure for 1951-52 shows any increase over the export figure for 1950-51?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The total value of India's exports to the U.S.A. in the year 1951-52 including re-exports was Rs. 132·18 crores.

(b) Yes, Sir. The export figure for 1951-52 shows an increase over the export figure for 1950-51 to the extent of Rs. 16·83 crores.

PAKISTANIS IN INDIA WITHOUT PERMITS

***1876. Shri B. K. Das:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of Pakistan nationals detected so far who have entered the Indian Dominion either without valid permits or whose permits have expired;

(b) the number of such persons removed and the number otherwise dealt with; and

(c) the expenditure incurred on their removal?

The Minister of Rehabilitation (Shri A. P. Jain): (a) and (b). Information in the manner required, is not readily available. However about 5,500 convictions for various offences under the influx from Pakistan Control Act have been reported so far by State Governments.

(c) About Rs. 40,000 were spent in the years 1950-51 and 1951-52.

Shri B. K. Das: How many have been convicted on the charge of espionage?

Shri A. P. Jain: We do not keep separate figures.

Shri B. K. Das: What is the annual expenditure incurred over this?

Shri A. P. Jain: I have said, Sir, that in two years—1950-51 and 1951-52 Rs. 40,000 were spent.

Shri H. G. Vaishnav: May I know, Sir, the number of cases in Hyderabad State?

Shri A. P. Jain: I would require notice.

Sardar Hukam Singh: May I know, Sir, the number of cases where such transgressions were condoned?

Shri A. P. Jain: I cannot give any figures.

Sabarmati Scheme

*1877. **Shri S. G. Parikh:** (a) Will the Minister of **Planning** be pleased to state whether it is likely that Sabarmati Scheme will be taken up in the First Five Year Plan so as to serve North Gujarat area?

(b) Are Government aware that some preliminary work has been done for this Scheme?

(c) Are Government also aware that the area which is likely to be served by this scheme is a very dry area and particularly there is shortage of rain every year?

(d) Are Government also aware that this particular land is very fertile and, given the irrigation facilities, bumper crop would be available?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (d). The Sabarmati Scheme is under investigation by the Central Water and Power Commission and the project report is not yet ready. The scheme has not been considered by the Planning Commission for inclusion in the Five Year Plan.

श्री चावदा: क्या मैं यह जान सकता हूं कि उत्तर गुजरात के सूखे प्रदेश में खेती के लिये भी कोई स्कीम बनायी जा रही है ?

श्री सी० डी० देशमुख: सूचना चाहिये ।

Tenders for Thread-ball Factory

*1878. **Giani G. S. Musafir:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that annual rental tenders for Thread-ball Factory of M/s Mohd. Farooq Yahyia of Sadar Bazar, Delhi, by a person who did not deposit even the required earnest money for the tender beforehand, has been accepted;

(b) whether there were a few other tenderers also for the said tender who fulfilled all the necessary conditions and who also bid the higher amount for the contract;

(c) if the answers to parts (a) and (b) above be in the affirmative, the reasons for such irregularities;

(d) whether it is a fact that a previous tender for the same factory was accepted in the last year and was subsequently cancelled; and

(e) if so, what are the reasons therefor?

The Minister of Rehabilitation (Shri A. P. Jain): (a) and (b). The person whose tender was accepted had deposited Rs. 200 through a cheque which was guaranteed as good for payment by the Bank instead of depositing that money in the Imperial Bank of India. There were also minor irregularities in the case of other two tenderers but they were condoned. The accepted tender was the most advantageous to Government and was, therefore, accepted.

(c) Does not arise. The most advantageous tender was accepted.

(d) and (e). No. The tender could be accepted only after the approval of the Custodian General, but through an oversight a letter of acceptance was issued by the Custodian without obtaining the approval of the Custodian General. When the matter came to the Custodian General he refused to confirm the acceptance which varied the terms and conditions laid down in the tender notice. Complaints against the acceptance were also received by the Rehabilitation Minister who upheld the action of the Custodian General.

گیانی جی - ایس - مسافر : کیا یہ قاعدہ ھے کہ چیک کے ذریعہ کوئی رقم منظور نہ کی جائیگی بلکہ رقم پہلے خزانہ میں نقد جمع ھونی چاھئے ?

[**Giani G. S. Musafir:** Is it a rule that no money would be accepted by cheque and that it should be deposited in the treasury in cash.]

श्री ए० पी० जैन: जी हां, यह टेंडर के अन्दर दर्ज था कि इम्पीरियल बेंक के अन्दर रुपया जमा किया जायगा । यह रुपया इम्पीरियल बैंक में जमा नहीं किया गया, बल्कि एक दूसरे बैंक में जमा किया गया जिस ने कहा कि वह रक़म यानी अदायगी का रुपया उस बैंक में जमा है । लेकिन इस कमी को एक मामूली कमी समझा और दूसरे दोनों टेंडरों में भी मामूली क़िस्म की कमियां थीं इस लिए सब टेंडरों पर गौर किया गया ।

NANDI KONDA PROJECT

***1879. Shri C. R. Chowdary:** Will the Minister of **Planning** be pleased to state:

(a) whether the Hyderabad State after investigation has requested inclusion of the Nandikonda Project in the Five Year Plan;

(b) whether the Madras State has taken any steps to investigate the project;

(c) whether Government are aware of the unanimity among the people of Cuddappah, Kurnool, Nellore, Guntur, Krishna and West Godavari Districts of Madras State for the inclusion of this project in the Five Year Plan; and

(d) if so, what steps are taken in this behalf?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir.

(b) No, Sir.

(c) Some representations have been received on the subject.

(d) The report of the Technical Committee appointed by the Planning Commission is awaited.

Shri C. R. Chowdary: May I know the basic principles that are to be satisfied before a scheme is recommended for inclusion in the Five Year Plan?

Shri C. D. Deshmukh: The first requirement is that the Technical Committee should report on the scheme.

Shri Radhelal Vyas: May I know what are the river valley projects which are being considered by the Planning Commission for inclusion in the First Five Year Plan?

Mr. Speaker: It goes beyond the scope of the question—to what particular scheme does he refer?

Shri Radhelal Vyas: What are the schemes which have not been included in the Five Year Plan and which are being considered by the Planning Commission for inclusion in the First Five Year Plan?

Mr. Speaker: That too goes beyond the scope of the question.

Shri Heda: May I know by what period the report of the Technical Committee is expected?

Shri C. D. Deshmukh: I am unable to say definitely, but it should not take very long now.

Shri C. R. Chowdary: May I know whether the Madras Government consulted the Hyderabad Government on the investigations made by the Hyderabad Government on the Nandikonda Project and, if not, why not?

Shri C. D. Deshmukh: From the information I have, Sir, it looks as if the project belongs to the Hyderabad Government.

Shri Eswara Reddy: May I know whether the Madras Government had made a comparative study of Nandikonda and Krishna Pennar Project before they submitted and recommended the Krishna-Pennar Project?

Shri C. D. Deshmukh: It is the same question in another form. The scheme has been prepared by the Hyderabad Government and comprises a dam across the River Krishna at Nandikonda and a canal and so on. There is nothing in the papers with me which shows that the Madras Government is associated with the drawing up of this project.

COAL MINES LABOUR WELFARE FUND ACT

***1880. Shri N. P. Sinha:** Will the Minister of **Labour** be pleased to state:

(a) whether any steps have been taken to implement the provisions of Coal Mines Labour Welfare Fund Act, 1947;

(b) if so, what particular works have been done in Giridih and Bokaro Collieries;

(c) what amount has been spent at the above two places;

(d) who are the members of the Advisory Committee, if any; and

(e) who represents the interests of the labour in that Committee?

The Minister of Labour (Shri V. V. Giri): (a) Yes.

(b) A statement containing the information desired is placed on the Table of the House. [*See* Appendix **IX, annexure No. 13]**

(c) Up to 1st April 1951 about Rs. 3,88,000 in the Giridih coalfields and Rs. 12,21,000 in the Bokaro coalfields.

(d) and (e). I lay on the Table of the House a list of members of the Advisory Committee showing the interests they represent. [*See* Appendix IX, annexure No. 14.]

Shri N. P. Sinha: In paragraph (iii) of the statement it is said:

> "Three women's welfare centres, two in Bokaro coalfields and one in Giridih coalfields, have been established with the object of imparting primary education to children and training in vocational trades to women workers."

May I know if there are any separate schools for the children?

Shri V. V. Giri: Evidently.

Shri N. P. Sinha: I also find from paragraph (v) of the statement that—

"Arrangements for setting up children's parks and canteens at these institutes have been made."

May I know what positive steps have been taken and what is the progress made up till now?

Shri V. V. Giri: Positive steps have been taken to build them and I think they are in progress.

Shri N. P. Sinha: I see from paragraph (vi) of the statement that—

"It has been decided to set up a 30 bedded Regional Hospital and maternity and child welfare centre at Phusru in Bokaro for providing free treatment to miners "

May I know if there is a similar proposal for construction of such a hospital at Giridih also?

Shri V. V. Giri: I think so, Sir.

Babu Ramnarayan Singh: What are the chief items of improvement which the Committee has suggested and what are the areas included under the purview of this Committee?

Shri V. V. Giri: I think the statement contains all that information. If the hon. Member reads the statement carefully and puts me questions I am prepared to answer more exhaustively.

DAMODAR VALLEY PROJECT

***1881. Shri B. K. Das:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) the total estimated production of thermal electricity by the Damodar Valley Project when the whole scheme will be completed;

(b) the amount of electricity now being produced by the thermal plants; and

(c) the amount of electricity supplied to outside agencies and the revenue received thereby?

The Minister of Finance (Shri C. D. Deshmukh): (a) The estimated annual production of thermal electricity by Damodar Valley Corporation on completion of the *First Phase* is 526 million KWH.

(b) The amount of electricity now being produced by thermal plant is about 270.000 KWH per month. In addition, 7,000,000 KWH is being purchased per month from the Sindri Fertilizer Factory for resale.

(c) The amount of electricity supplied to outsiders at present is about 6,500,000 KWH per month and the revenue realised is about Rs. 3,40,000 per month.

Shri B. K. Das: What are the outside agencies that receive this electricity?

Shri C. D. Deshmukh: At present Tilaiya is supplying electricity to Kodarma town and the mica mines and also to Hazaribagh town. The Kumardhubi station was supplying power to Chittaranjan Locomotive Works till 1st January, 1952 when Sindri power was made available to it.

Shri B. K. Das: What is the per unit cost at which the electricity is supplied?

Shri C. D. Deshmukh: I should require notice of that question.

Shri B. K. Das: Is the hon. Minister in a position to say whether there will be any variation in the charge when the Hydel electricity is produced?

Shri C. D. Deshmukh: I do not think so, Sir. The Hydel electricity will be for a stand-by purpose.

Shri B. K. Das: What will be the capacity of Bokaro?

Shri C. D. Deshmukh: Bokaro will be about 240.000 KW.

Shri K. K. Basu: Will this thermal plant work when the Hydel generating station goes in full swing.

Shri C. D. Deshmukh: Yes, Sir. That is the main station.

Shri M. S. Gurupadaswamy: May I know whether any portion of the electricity produced is supplied to rural areas for their electrification?

Shri C. D. Deshmukh: No, Sir. It is mostly taken up by the industrial concerns which are so much concentrated in the Damodar Valley.

Shri Jhunjhunwala: What is the rate at which outside consumers are charged for the electricity?

Shri C. D. Deshmukh: That question was asked by another hon. Member. I have got the figures of the electrical energy consumed and the revenue derived and I am prepared to give them to the hon. Member and let him work out the rate. Without working out the arithmetic, I cannot give the rate on the spot.

Shri K. K. Basu: May I know whether this thermal plant is installed by the D.V.C. itself or by any independent contractor; and if the latter be the case, who is the contractor?

Shri C. D. Deshmukh: By a firm of contractors called Kuljian Corporation. I do not know about independent contractors. These contractors are bound by certain stipulations in their contract.

COTTON

***1884. Pandit Munishwar Datt Upadhyay:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a large quantity of cotton has been set apart for export; and

(b) what are the countries to which we are exporting cotton and from which of them do we get foodgrains instead?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No Sir; an export quota of short staple cotton of 302,000 bales (400 lbs. a bale) has been fixed for the 1951-52 season.

(b) Export is allowed to all countries and there is no barter arrangements of cotton with foodgrains.

Pandit Munishwar Datt Upadhyay: May I know what were the factors that necessitated this reduction in the export duty on cotton a few months ago?

Shri T. T. Krishnamachari: Essentially, it was due to a complaint from Assam. They felt that the old export duty of Rs. 400 per bale was making export very difficult and the grower was suffering a loss. Therefore, the export duty was halved from 16th March 1952.

Pandit Munishwar Datt Upadhyay: May I know what has been the effect of the reduction and whether any further reduction is contemplated?

Shri T. T. Krishnamachari: No further reduction is proposed. The effect of the reduction can only be observed from the fact that it looks as though the export quota will be very nearly taken up.

Pandit Munishwar Datt Upadhyay: Although the hon. Minister has stated that there is no barter arrangement, may I know the countries to which we export cotton and from which of them we import grain?

Shri T. T. Krishnamachari: For one thing, there is no destinational quota excepting of course the fact that exports to South Africa are prohibited. We are sending cotton to about twelve countries, and they are: the United Kingdom, Western Germany, Netherlands, Belgium, France, Switzerland, Italy, China, Japan, the U.S.A., Canada and Australia. Of these countries, China, Canada, the U.S.A. and Australia supply foodgrains, but there is no barter arrangement.

Shri M. S. Gurupadaswamy: What are the varieties of cotton exported?

Shri T. T. Krishnamachari: Short staple, of length 11/16" and below. The names are: Assam Comilla, Bengal Desi, C.P. 1 and 2, Central India and Zoda cotton and cotton of inferior packing called 3rd packing.

Dr. P. S. Deshmukh: Do the Government of India keep any information about the margins of profit, and so far as the reduction in export duty is concerned, what has been the effect on the exports?

Shri T. T. Krishnamachari: I have stated the reason. The reason is that the demand came primarily from the Assam people. That is why the duty was reduced.

So far as the margins of profit are concerned, the Government have not got accurate information, but the reason why no prices have been fixed is because this commodity is largely exportable and once you fix the prices and the Government take up responsibility, we shall be subsidising the exports—which is not the intention of the Government.

Pandit Munishwar Datt Upadhyay: May I know the reason why our shipment commitments have been extended beyond September?

Shri T. T. Krishnamachari: I can only make a guess. It is because of the possibility of the allotted quantity not being taken up, but I cannot give accurate information without notice.

Shri T. S. A. Chettiar: May I know whether the Government have found out the purposes and uses for which our exports of short staple cotton are put in those countries, and have they investigated whether this cotton can be put to the same use in this country itself?

Shri T. T. Krishnamachari: Obviously, it cannot be put to use in this country. Otherwise, no export will be permitted.

RESTRICTION ON COAL RAISING

***1885. Pandit Munishwar Datt Upadhyay:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether there is any restriction on the raising of certain quality of coal from coal mines;

(b) what is the effect of this restriction on the total amount of coal to be obtained from mines; and

(c) what is the opinion of the Fuel Research Institute and how far that opinion has prevailed with the Government of India?

The Minister of Production (Shri K. C. Reddy): (a) The hon. Member is presumably referring to the raising of metallurgical coal. In pursuance of Government's policy to conserve this coal, the question is being examined whether certain restrictions in raising this coal should be imposed, but no such restrictions have yet been imposed.

(b) Does not arise.

(c) The opinion of the Fuel Research Institute may be summarised as follows:

> "Procedure for restriction of output of Selected Grade Coking Coals requires review. Compulsory Sand Stowing in the mines and Washing of Coal are probably the best measures and adequate in themselves for some years ahead. New and improved methods of carbonisation and of furnace practice are necessary as a long term policy".

An article embodying the above views published in the Fuel Research Institute Bulletin for March 1952 is being considered.

Pandit Munishwar Datt Upadhyay: May I know the stock of coal at the end of May 1952?

Shri K. C. Reddy: I gave the figure the other day on the floor of the House—about 3 million and odd tons.

Shri A. C. Guha: May I know what arrangement the Government has made for washing coal in order to improve its quality?

Shri K. C. Reddy: The Tatas have established a plant and the establishment of another plant is under way.

Shri Velayudhan: May I know whether the statement of a railway official the other day that our resources of metallurgical coal will only last for about sixty years is correct?

Shri K. C. Reddy: That question has already been answered several times in the House.

Pandit Munishwar Datt Upadhyay: What would be the effect on our exports of the easing of the supply of coal in European countries?

Shri K. C. Reddy: I cannot give a definite answer straightaway.

PRICE OF TEA

***1886. Shri K. P. Tripathi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the average price per pound obtained for tea on 1951-52 and 1950-51 crops; and

(b) whether there is collusive bidding in Calcutta auctions?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The average auction prices of tea per lb. in 1951-52 and 1950-51 at Calcutta and Cochin are as follows:

	Calcutta		*Cochin*
	Export Tea	*Internal Tea*	*Export Tea*
	Rs. A. P.	Rs. A. P.	Rs. A. P.
1951-52	1-12-6	1-6-8	1-10-0
1950-51	2-1-0	1-9-5	1-14-3

(b) The Government have no information.

Shri K. P. Tripathi: Have the Government any intention of trying to obtain information as to the method by which collusive bidding is carried on in Calcutta?

Shri Karmarkar: Yes, Sir. I understand that the rules of association of the Calcutta Traders' Association which carries on the auction provide against collusive bidding. The sellers can withdraw lots of tea offered for sale if the bids are below the reserve or offset prices.

Shri K. P. Tripathi: Is it a fact that if three persons are bidding, one person points his finger to the other two and the other two become silent, and thus collusive bidding is going on?

Mr. Speaker: It is a matter of opinion.

Shri R. K. Chaudhury: May I know what is the average price of tea for retail sale in our country during the corresponding period this year?

Shri Karmarkar: I want notice.

Shri K. K. Basu: Who has the controlling voice in these Calcutta auctions?

Shri Karmarkar: I have no answer for that.

Shri K. P. Tripathi: Is it a fact that the market is gradually improving?

Shri Karmarkar: I want notice.

Shri H. N. Mukerjee: Is it a fact that in spite of recommendations from the Commerce Ministry to the various Tea Associations with which European tea gardens are affiliated, the agency houses of these European tea gardens have declined to extend any support to Indian tea brokers and have pursued a policy detrimental to the growth of Indianisation of tea broking?

Shri R. K. Chaudhury: Is the hon. Minister aware that the average price of tea in the tea growing province such as Assam is much higher than the price of tea in the United Kingdom?

Shri Karmarkar: I have no information; I should like to find that out.

TRADE INTERESTS IN TEA

***1887. Shri K. P. Tripathi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what percentage of the share holders of the trade interests mentioned in each of the following items are common:

(1) British-owned tea plantations in India, and the tea brokers in India;

(2) Tea-brokers in India and tea brokers in England;

(3) British-owned tea plantations in India, tea brokers in India and tea brokers in England; and

(b) What percentage of the members of the Board of Directors of trade interests mentioned in each of the following items are common:

(1) British-owned tea plantations in India, and the tea brokers in India;

(2) Tea brokers in India and tea brokers in England;

(3) British-owned tea plantations in India, British tea brokers in India and tea brokers in England?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). Precise information is not available. Compilation of the required information• will involve reference being made to U.K. and various parts of the Country and will involve considerable expenditure, time and labour.

Shri K. P. Tripathi: Is the Government prepared to institute an enquiry into this very important matter in which interlocking devices are acting against the interests of the country?

Shri Karmarkar: Government does not consider it worthwhile to conduct an enquiry. We went into the matter very carefully and found that the labour involved is much greater than the results which would be achieved.

Shri A. C. Guha: Is it true that the tea broking agency in Calcutta is mostly European-controlled?

Shri Karmarkar: I should like to have notice of that question.

Shri H. N. Mukerjee: Is Government aware that British banks in Calcutta have hypothecated crops of several tea estates with a clear stipulation that the crops of such hypothecated tea estates are to be sold only through European tea-brokers?

Shri Karmarkar: I shall certainly find that out.

Shri Sarmah: What is the percentage of European owned tea in India?

Shri Karmarkar: At the moment I cannot say: but I shall find it out.

TEA PRICES

***1888. Shri K. P. Tripathi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the present whole-sale and retail prices of tea (Indian) in London markets;

(b) similar figures for the last four years, month by month;

(c) the corresponding prices in India of exported and exportable tea; and

(d) the freight per pound of tea exported to London (year by year, since 1947)?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) to (d). A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 15.]

Shri K. P. Tripathi: Is it a fact, Sir, that the retail prices in London and Europe generally are steady and have not fallen in spite of the so-called slump in India?

Shri Karmarkar: I cannot say that off-hand. But I understand that the United Kingdom Government had abolished the subsidy on tea from the 15th June 1952 and as a result the maximum retail price of tea will be increased from 3s. 10d. to 4s. 8d. and from 3s. 4d. to 3s. 3·8d. for low price tea. Beyond that I have no information.

Shri K. P. Tripathi: Is it a fact that because the retail prices in Europe are steady and the prices in India have been made to fall on account of the slump, the margin of profit enjoyed by the European interests has increased.

Shri Karmarkar: I should like to find that out.

Shri R. K. Chaudhury: Is the hon. Minister now in a position to answer my question, namely, that the retail price of tea in India is much higher than the retail price of tea in the United Kingdom?

Shri Karmarkar: I should still like to have notice.

Shri A. C. Guha: May I know if Government have received any complaints that the conditions under which Indian tea is auctioned in London are not favourable and are discriminatory?

Shri Karmarkar: I have no ready information on that point. I shall find out if there are any complaints received.

Mr. Speaker: The questions are more or less in the nature of giving information, rather than asking for information.

Shri A. C. Guha: We simply draw pointed attention to certain state of affairs.

Shri Sarmah: Will Government be pleased to instruct the Tea Enquiry Committee to go into this alleged matter of collusive bidding in Calcutta?

Shri Karmarkar: I said I shall try to find out.

The Minister of Finance (Shri C. D. Deshmukh): Sometimes these representations are addressed to the Finance Ministry. About two days ago I received a representation in which it is alleged that by some arrangement of sales in England an attempt is made to transfer the burden of the subsidy from England to India. I have sent that representation to the Commerce and Industry Ministry for investigation and I shall have a chance of asking the official committee to enquire into this particular allegation.

ACCIDENT IN SINGARENI COLLIERIES

***1889. Shri Vittal Rao:** Will the Minister of **Labour** be pleased to state:

(a) the causes of the accident that occurred in the Singareni Collieries, Kothagudium on 2nd June, 1952;

(b) how many were injured and the number died subsequently;

(c) whether any enquiry, official or non-official, was held; and

(d) if the answer to part (c) above be in the affirmative, what are its findings?

The Minister of Labour (Shri V. V. Giri): (a) The accident occurred as a result of a cage filled with men striking against the pit bottom.

(b) Twenty-four persons were injured. No report has been received of any person having died subsequently.

(c) An enquiry was held by a Junior Inspector of Mines.

(d) *Prima facie* it appears the winding engine driver caused the accident either wilfully or by negligence. The matter is however under investigation.

Shri Vittal Rao: May I know the circumstances under which the carrying capacity of the cage was exceeded?.

Shri V. V. Giri. Those circumstances are being investigated. The general rule seems to be that ten alone should get into the cage; but 25 got into it.

Shri Vittal Rao: Are Government aware that this is the second accident within the course of two months?

Shri V. V. Giri: I take the information from the hon. Member.

Dr. Jaisoorya: Did I hear the hon. Minister to say that a Junior Inspector of Mines is investigating into the matter?

Shri V. V. Giri: Yes.

Dr. Jaisoorya: Why?

Shri V. V. Giri: Because he alone was available.

Shri Vittal Rao: Was the winding engine driver technically qualified for the job, or was he promoted to this job on account of his anti-trade union activities?

Shri V. V. Giri: He was technically qualified.

Shri Sarangadhar Das: May I know if adequate compensation has been given to the injured persons in accordance with the Workmen's Compensation Act?

Shri V. V. Giri: Yes, of course.

JUTE PLANTS

***1891. Shri L. N. Mishra:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the results that the substitution of the old jute plants by modern ones will bring in quantity and quality of production of jute;

(b) the estimated cost of such substitution; and

(c) the countries from where the modern type plants are to be imported?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Modernisation is not so much intended to increase the total output or to improve the quality as to reduce the cost of production in order to compete with modern mills in other countries.

(b) As no scheme has yet been finalised it is not possible to give any precise estimate of cost of modernisation. It may be of the order of Rs. 70 or 80 crores over a period.

(c) Imports are expected to be from countries in the sterling area.

Shri L. N. Mishra: Is it a fact that the Chief Controller of Exports who has recently visited the Continent has recommended the modernisation of Indian jute industry, if we are to maintain our semi-monopolistic position in the world markets?

Shri T. T. Krishnamachari: I laid on the Table of the House a copy of the report of Mr. Jha in answer to question No. 1705, dated the 11th July 1952. If the hon. Member reads it he will find some kind of confirmation of his views on the subject.

Shri L. N. Mishra: Do Government propose to have diversified location of the jute industry in India and if so, do they propose to have one such mill in Bihar?

Shri T. T. Krishnamachari: If the hon. Member means diversification in regard to new units, that will be the policy: we would like to have them diversified, as far as possible. So far as the present units are concerned, the question would not arise.

Shri Kelappan: When placing orders for plants do we get quotations from different countries?

Shri T. T. Krishnamachari: Governmental interference in this matter would arise only when private industry asks for licenses and under the new Industries Control and Regulation Act. As a matter of fact it is largely a matter of discretion so far as private enterprise is concerned. But Government would certainly see that the foreign exchange position is not worsened by diverting these orders to dollar or hard currency areas

Shri R. K. Chaudhury: May I know if the Government is still carrying on the policy of expansion of jute cultivation even by substitution of food crops?

Shri T. T. Krishnamachari: I think the question should be appropriately directed to the Food and Agriculture Ministry.

Mr. Speaker: It does not arise.

Shri L. N. Mishra: In view of the pressing demand and the restricted supply position, do Government propose to place orders for such plants at an early date?

Shri T. T. Krishnamachari: In reply to a question on a previous occasion I have said that the matter is under investigation. Government have not yet come to any final decision in this matter, nor does private industry seem to be very eager at the moment.

UNDERGROUND TELEPHONE CABLE

***1892. Shri N. P. Sinha:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Inspector appointed by the Government of India to inspect the underground telephone cables purchased by India in Japan has submitted any report of his inspection;

(b) if so, whether a copy of it can be laid on the Table: and

(c) how many mile-length of such cable was purchased and for what price?

The Deputy Minister of Works, Housing and Supply (Shri Buragohain): (a) and (b). Yes, Sir. The Inspector submitted test certificates on all the cables inspected by him during the manufacture. These are, however, of technical nature and lengthy, being in 88 sheets. It seems therefore unnecessary to place them on the Table of the House.

(c) 687 miles length of cable were purchased at a total cost of Rs. 81,90,413.

Shri N. P. Sinha: Is it a fact that the Inspector inspected these cables only after they were despatched to India?

Shri Buragohain: That is not so. Although the Inspector was supposed to inspect the cable during manufacture, in fact, however, when he arrived there he found that most of it had already been manufactured.

Shri N. P. Sinha: May I know if there was any stipulation in the contract that the concern would replace the cables if they did not work well?

Shri Buragohain: Yes. The contract included a clause for guarantee in respect of the satisfactory working of the cables for two years.

Shri N. P. Sinha: Is it true that the cables did not prove durable and were returned subsequently?

Shri Buragohain: Yes, Sir, it is a fact, particularly with regard to large-size cables and particularly those that were put to use in the Calcutta region. And when this defect was found, the attention of the manufacturers was drawn to it, and they eventually agreed to rectify this defect at their own cost.

Shri N. P. Sinha: May I know what loss, if any, the Government has sustained in this?

Shri Buragohain: No loss has been sustained by Government on this account.

Shri Pateria: May I know the names of the firms from which these cables were purchased?

Shri Buragohain: The Indian agent is Messrs. Kamani Engineering Corporation Limited, Bombay, and the manufacturing firm is Messrs. Furukawa Electric Company Limited, Yokohama, Japan.

Shri A. C. Guha: Has the attention of the Minister been drawn to a statement issued either by the Japanese Embassy here or by the firm which supplied the cables that the supply had been made according to specification and that they had no further responsibility in respect of the quality of the articles?

Shri Buragohain: I have already said that they agreed to rectify the defects at their own cost, and in fact did so with respect to 1,93,737 yds. of cables, to the satisfaction of the Posts and Telegraphs Department.

Shri A. C. Guha: Perhaps my question has not been understood.

Mr. Speaker: It is superfluous now. He says that they accepted the responsibility.

Shri A. C. Guha: There was a public statement made......

Mr. Speaker: But here they have accepted the thing. There is no use pursuing the point.

श्री पी० एन० राजभोज: क्या सरकार अंडरग्राउण्ड टैलीफ़ोन केबल के लिये भी प्रीवेन्टिव डिटेंशन बिल पालियामेंट में लाने का विचार कर रही है ?

Mr. Speaker: Order, order.

TIN AND IRON SCRAP

***1893. Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether tin and iron scrap is exported from India;

(b) if so, to which countries it is exported; and

(c) what quantity of tin and iron scrap was exported in the year 1951-52?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Export of tin is not allowed but non-usable iron scrap is allowed.

(b) and (c). A statement showing the quantity of iron scrap exported and the countries to which it was exported in the year 1951-52 is placed on the Table of the House. [*See* Appendix IX, annexure No. 16.]

Dr. Ram Subhag Singh: It appears from the statement that Sweden paid to India about Rs. 3,000 for 4 tons, whereas Pakistan paid only Rs. 1,332 for 18 tons. May I know why it happened like that?

Shri T. T. Krishnamachari: It all depends upon the quality of the scrap, Sir.

MATHEMATICAL INSTRUMENTS

***1894. Shri A. C. Guha:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the requirements of mathematical instruments and their production in the country;

(b) the annual imports;

(c) the quantity annually produced in India and the price of Indian products; and

(d) whether protection is given to this industry?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 17.]

(d) No, Sir.

MATHEMATICAL INSTRUMENTS OFFICE, CALCUTTA

***1895. Shri A. C. Guha:** Will the Minister of **Production** be pleased to state:

(a) the present position—management and commercial aspects included;

—of the Mathematical Instruments office at Calcutta;

(b) the annual expenditure and sale proceeds for the years 1949, 1950 and 1951;

(c) whether there was any enquiry into its working in recent years; and

(d) if so, how far the recommendations resulting from the enquiry have been implemented?

The Minister of Production (Shri K. C. Reddy): (a) The Mathematical Instrument Office (now known as the National Instruments Factory, Calcutta), is a Central Government industrial undertaking run departmentally. It supplies scientific and mathematical instruments to departments of the Central and State Governments, semi-Government bodies, educational institutions, etc., and undertakes repair work of their instruments. Supplies are also made to private bodies and some neighbouring foreign countries, such as Pakistan, Afghanistan and Burma.

(b)—

Year	Expenditure	Sale proceeds
	Rs.	Rs.
1949-50	22·34 lakhs	16·74 lakhs
1950-51	21·18 lakhs	14·69 lakhs
1951-52	23·21 lakhs	17·57 lakhs

(c) Yes, an Expert Committee under the Chairmanship of Prof. G. R. Paranjpe was set up in December, 1947, to review the working of the factory.

(d) The Committee recommended a complete reorganisation of the Factory with a view to develop its capacity for the manufacture of several new items of instruments including raw materials required for such manufacture. A modest scheme for the reorganisation of the factory costing about Rs. 80 lakhs spread over three years from 1951-52 has been approved by the Standing Finance Committee in October, 1951. A plot of land 8.3 acres in area has already been acquired for implementing the scheme, in Jadavpur near Calcutta. Construction of a new building for the factory is expected to start shortly. Orders have been placed for new machinery. Negotiations are under way with certain foreign firms for technical assistance for the manufacture of optical glass an essential as well as strategic raw material, in the factory.

EXODUS FROM E. BENGAL

***1896. Shri A. C. Guha:** Will the **Prime Minister** be pleased to state:

(a) whether in recent days there has been any increase in the exodus of Hindus from East Bengal into Indian territories; and

(b) if so—

(i) the reason thereof,

(ii) the average rate, and

(iii) whether the matter has been taken up with the Pakistan Government?

The Prime Minister (Shri Jawaharlal Nehru): (a) There has been some increase recently in the movement of passengers, both Hindu and Muslim, from East Bengal to West Bengal. In the other direction, that is from West Bengal to East Bengal, this movement, both of Hindus and Muslims, has also increased. The figures relate to all passengers among whom are others than migrants also.

(b) (i) A great majority of recent migrants from East Bengal appears to be coming from two or three Districts from where there are reports of deteriorating economic conditions.

(b) (ii) In June the daily average of Hindu passengers coming into West Bengal from East Bengal was 4773. For the same period the daily average of Hindu passengers going from West to East Bengal was 4995. For the first fortnight of July the average of Hindu travellers from East Bengal to West Bengal was 5783. For the first fortnight of July this average from West Bengal to East Bengal was 6122.

(b) (iii) No reference has been made about this matter, to the Pakistan Government.

Shri A. C. Guha: May I know if the High Commissioner for India after his recent visit to East Bengal has made any report on the conditions of the minorities there?

Shri Jawaharlal Nehru: He has had a long talk with us. He has not sent any written official report.

Shri A. C. Guha: May I know if the Government intends taking up any of the points which he might have submitted to it with the Pakistan Government?

Shri Jawaharlal Nehru: Yes, because we are continually taking special points up.

Dr. S. P. Mookerjee: May I ask the Prime Minister how it is possible to know who is a Hindu and who is a Muslim while counting the numbers?

Shri Jawaharlal Nehru: The hon. Member is perhaps right. It is not always easily possible to distinguish because the Bengalee Muslims and

Hindus are singularly alike. All that I can say is that this is the report of the people who see them. They may make mistakes.

The Minister of Law and Minority Affairs (Shri Biswas): The statements are taken from the passengers themselves by officers on both sides acting together.

WRITTEN ANSWERS TO QUESTIONS

सिन्दरी कृषिसार

*१८८२. **सेठ गोविन्द दास**: क्या **उत्पादन** मंत्री यह बतालने की कृपा करेंगे कि मार्च और अप्रैल, १९५२ में सिंदरी कारखाने में कितना माल तैयार हुआ ?

The Minister of Production (Shri K. C. Reddy): The output of ammonia sulphate during March and April 1952 was 11.407 and 10.819 tons respectively.

निराश्रित विस्थापित व्यक्तियों के शिविर

*१८९०. **श्री वाल्मीकी**: क्या **पुनर्वास** मंत्री यह बतालने की कृपा करेंगे :

(क) आजकल चलने वाले निराश्रित विस्थापित व्यक्तियों के शिविरों की संख्या ;

(ख) उन स्थानों के नाम जहां ये शिविर स्थित हैं ; और

(ग) १९५१-५२ वर्ष में सरकार को ऐसे शिविरों पर क्या राशि व्यय करनी पड़ी ?

The Minister of Rehabilitation (Shri A. P. Jain): (a) 70.

(b) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 18.]

(c) The information is being obtained and will be laid on the Table in due course.

LEAD PENCILS

*1897. **Shri Balmiki:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of lead pencils consumed in India every year: and

(b) the steps taken by Government to popularise pencil making as cottage industry?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) 1949-50—90829 gross.

1950-51—166210 gross.

1951-52—334359 gross approximately.

(b) No, Sir.

COARSE AND MEDIUM CLOTH (EXPORT)

*1898. **Shri Balmiki:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of licences granted for the exports of coarse and medium cloth; and

(b) the facilities given to exporters?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) I am unable to furnish an answer as the period for which the information is required is not indicated.

(b) Licences are now issued without any restrictions. Licensing formalities have also been reduced to the bare minimum and the exporters have to apply to the export control authorities twice only, once to obtain licences which are available within 48 hours from the time of receiving the application and then to have shipping bills passed which is done the same day.

CENSORED FILMS

*1899. **Shri N. B. Chowdhury:** Will the Minister of **Information and Broadcasting** be pleased to state how many films have been censored by the Central Board of Film Censors during the year 1951-52?

The Minister of Information and Broadcasting (Dr. Keskar): The number of films examined by the Central Board of Film Censors during the year 1951-52 is 3612.

GRANT OF LOANS TO TRIBAL PEOPLE

*1900. **Shri Gohain:** Will the **Prime Minister** be pleased to state:

(a) whether the Government of India have any scheme for granting loans to the tribal people for their industrial and business undertakings in the tribal part "B" areas of the North East Frontier Agency;

(b) if the answer to part (a) above be in the affirmative, what amounts have been granted during the years 1950-51 and 1951-52; and

(c) if the answer to part (a) above be in the negative, whether Government propose to introduce loan system to the tribal people for their economic development?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

LABOUR LAWS IN RIVER VALLEY PROJECTS

***1901. Shri Vidyalankar:** Will the Minister of **Labour** be pleased to state:

(a) whether the workers at the following projects have been protected by the Provisions of the Factories Act, Payment of Wages Act, Industrial Disputes Act, Industrial Employment Act, Workmen's Compensation Act, and Minimum Wages Act:

(i) Hirakud Project,

(ii) Damodar Valley Project,

(iii) Nangal Bhakhra Project;

(b) whether Government's attention has been drawn to the fact that in all, or at least some of the places the provisions of the above mentioned Acts do not apply, with the result that a large number of workers remain unprotected;

(c) whether Government have received representations requesting that the provisions of the above mentioned and other labour laws should be applied in these labour areas; and

(d) if so, what action Government propose to take in this matter?

The Minister of Labour (Shri V. V. Giri): Information is being collected from the State Governments concerned and will be laid on the Table of the House in due course.

ACCIDENTS AT RIVER VALLEY PROJECTS

***1902. Shri Vidyalankar:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) the number of accidents at:

(i) Hirakud,

(ii) Damodar Valley Project, and

(iii) Nangal Bhakhra Project

that occurred in 1950-51, and 1951-52;

(b) how many cases resulted in (i) death, (ii) permanent disablement and (iii) temporary disablement;

(c) in how many cases compensation has been paid and the amount of compensation paid;

(d) whether it is a fact that in certain cases no compensation was paid for a year or more after the accident took place, and in some cases no compensation was paid at all;

(e) whether Government received complaints that in many cases no compensation has been paid at all; and

(f) if so, what steps Government propose to take in order to protect the workers' rights in the matter?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) to (f). The information is being collected and will be laid on the Table of the House as soon as possible.

GANGA BARRAGE PROJECT

***1903. Shri Barman:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the Central Water and Power Commission has submitted the results of their investigations on 'the Ganga Barrage Project';

(b) what the main recommendations are; and

(c) the recommendations accepted by Government so far, if any?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) No. Sir.

(b) and (c). Do not arise.

REHABILITATION IN CACHAR

***1904. Shri S. C. Deb:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the operational set-up of Rehabilitation in the District of Cachar;

(b) if the audit Report of the work of Rehabilitation undertaken in the District of Cachar has been received;

(c) the state of affairs as revealed in that audit report that is, whether any overwriting of figures, any mis-appropriation, any mis-spending or bungling of funds have been brought to light;

(d) the nature of Rehabilitation with percentage of success in comparison with other areas in charge of the Government of India;

(e) the condition of destitute families with definite plan of aid;

(f) whether the condition and scheme of loan distribution have been to the satisfaction of recipients or whether there are any complaints regarding mal-practices and corruption; and

(g) whether the Tractor Organisation for Agriculture has been taken direct by displaced persons or by private persons on official initiative and how the organisation is set up?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Operational set up in Cachar consists of:

- (i) One Controller;
- (ii) One Assistant Controller;
- (iii) One Financial Adviser-*cum* Accounts Officer;
- (iv) Three Sub-Divisional Relief and Rehabilitation Officers;
- (v) Six Inspectors.

(b) and (c). An audit report of the Sub-Divisional Relief and Rehabilitation Officer of Karimganj reveals an unauthorised payment of Rs. 23,500. The matter is being investigated.

(d) A statement giving the various schemes of rehabilitation is placed on the Table of the House. [*See* Appendix IX, annexure No. 19.] Since no economic survey has so far been conducted, it is difficult to say what measure of rehabilitation has been achieved. Precisely for this very reason no comparison can be made of the success achieved in Cachar with that in other parts of India.

(e) Destitute families have either been given rehabilitation benefits or admitted in Homes and Infirmaries.

(f) There have been complaints of inadequacy of the amount of the loan and delay in payment, but there has been no complaint of corruption or malpractices.

(g) Requisite information which is not readily available, is being collected and will be supplied when received.

CIGARETTE FACTORIES

***1905. Shri Dhusiya:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) How many cigarette factories are working in India to-day and where they are situated;

(b) how much tobacco produced in the country is consumed in these factories;

(c) how much cigarette-paper is produced in India and what was its import during the years 1949, 1950 and 1951; and

(d) cigarette of what value was imported during the years mentioned above?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 20.]

(b) About 45 million pounds.

(c) The production of cigarette-paper in India was started in November 1950 and 36 tons and 594 tons were produced in 1950 and 1951 respectively.

Figures of import of cigarette paper are not available.

(d) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 20.]

RE-EXPORTS

***1906. Shri Dhusiya:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what were the chief imported commodities which were re-exported in the months of January, February and March in 1951 and 1952; and

(b) at what profit or loss the commodities were re-exported and to which countries?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) A statement is placed on the Table of the House in regard to such of the commodities about which information is available. [*See* Appendix IX, annexure No. 21.]

(b) Exports are made on commercial basis and not on Government account. Government have therefore no information regarding profits made or losses incurred by traders in respect of these commodities. Country-wise exports of imported commodities are not recorded separately.

CLOTH IMPORTS

***1907. Shri Jasani:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity and cost of the cloth imported in India from foreign countries, during the years 1949-50, 1950-51 and 1951-52; and

(b) from which countries it was imported and of what quality?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Three statements are placed on the Table of the House. [*See* Appendix IX, annexure No. 22.]

The total figure for 1949-50 is 72·3 million yards. It is regretted that owing to an error in compilation of the import figure from Japan this was wrongly given as 48·6 million yards in answer to Question No. 1216 on 26th June, 1952.

IRON AND STEEL WORKS

*1908. **Shri Ganpati Ram:** Will the Minister of Commerce and Industry be pleased to state:

(a) how many iron and steel works have been established in different parts of 'A', 'B', and 'C' States during 1949 to 1952;

(b) total production of different varieties *viz.* pig iron, castings, steel castings, rods and strips, cement and ferro-silicon, and the quantity produced Statewise; and

(c) how many electric pig iron furnaces and allied works have been completed during 1949—52 with their names and locations?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 23.]

(c) The Mysore Iron and Steel Works, Bhadravati, completed the installation of one Electric Steel Furnace during the period in question.

MATCH FACTORIES

*1909. **Shri Ganpati Ram:** Will the Minister of Commerce and Industry be pleased to state:

(a) how many match factories are working in India;

(b) the name and location of each, Statewise;

(c) total production per year and especially in 1950-51;

(d) how much foreign capital is still invested in such match factories in India and on what terms; and

(e) which of the foreign countries have invested money?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) About 185.

(b) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 24.]

(c) The average annual production is 340,000 cases of 50 gross boxes of 60 sticks each. Production in 1950-51 was 340,660 cases of 50 gross boxes of 60 sticks each.

(d) About Rs. 1·25 crores. Information in regard to terms of investment is not readily available.

(e) Sweden.

STEEL REQUIREMENTS

*1910. **Shri Bansal:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total requirements of steel in the country variety-wise; and

(b) the short fall in the total requirements which is met from imports from foreign countries?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 25.]

EXPORTS TO JAPAN

*1911. **Shri B. N. Roy:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any commodity was exported to Japan in 1951-52;

(b) if so, its value; and

(c) whether there is any demand in Japan for some manufactured goods from India?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Yes, Sir; a number of commodities were exported to Japan during the year 1951-52. A statement showing the quantity and value of India's exports to Japan during that year is placed on the Table of the House. [*See* Appendix IX, annexure No. 26.]

(c) Yes, Sir.

PUBLICATION DIVISION

*1912. **Shri C. N. P. Sinha:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the expenses incurred in the Publication Division of the Ministry for (i) staff and (ii) publications in 1949, 1950, 1951 and 1952; and

(b) how much of it is spent on Hindi publications?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). As stated in reply to Starred Question No. 40 on 8th February, 1952, accounts are maintained according to financial year and not calendar year. A statement giving the required information for the financial years 1949-50, 1950-51 and 1951-52, is laid on the Table of the House. [*See* Appendix IX, annexure No. 27.]

Family Quarters at Sindri

***1913. Shri Bhagwat Jha:** Will the Minister of **Production** be pleased to state:

(a) as to how many family quarters of 'K' and 'I' type have been constructed at Sindri;

(b) how many of them show cracks in their roofs;

(c) whether these cracks have been patched with coal tar or something else; and

(d) whether there has been any inquiry regarding the reasons of such cracks?

The Minister of Production (Shri K. C. Reddy): (a) Presumably my hon. friend means "L" type where he refers to 'I' type, because there is no "I" type quarter at Sindri.

144 'K' and 492 'L' type quarters have so far been constructed at Sindri.

(b) and (c). There have been no cracks which can be ascribed to structural defects. Some superficial fine hair cracks, however appeared due to shrinkage of concrete, which have since been sealed with bitumastic.

(d) No formal enquiry has been considered necessary in view of the nature of the cracks.

Exports on Government Account

***1914. Shri Bansal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the commodities in respect of which exports are made on Government account; and

(b) the commodity-wise value of exports made on Government account during the years 1948-49, 1949-50, 1950-51 and 1951-52?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Statistics of exports on Government account are not recorded separately. Besides coal which is exported on a state trading basis, certain commodities i.e. jute goods, tobacco, tea and shellac have in the past been exported on Government account.

Sale Price of Sindri Fertilizer

***1915 Shri Bansal:** Will the Minister of **Production** be pleased to refer to the replies given to starred question No. 444 asked on the 4th June, 1952 and starred question No. 1053 asked on the 20th June, 1952 regarding the cost of production and price of the fertilizer produced at Sindri, and state:

(a) whether the Sindri Fertilizer Factory is running at a loss at present in view of the fact that the cost of production of fertilizer is Rs. 500 per ton and its sale price to the Agriculture Ministry is Rs. 350 per ton; and

(b) if the pool price of the sulphate of ammonia is Rs. 380 per ton whether Government have considered the advisability of increasing the sale price of the fertilizers produced at Sindri to cover the loss which is being sustained at present?

The Minister of Production (Shri K. C. Reddy): (a) The price of Rs. 350 at which ammonium sulphate produced at Sindri is being sold to the Ministry of Food and Agriculture applies only to the 1952 production and has been fixed so as to make it economic for the consumers *vis-a-vis* imported fertilizers. Strictly speaking, it would be correct to say that the Sindri Factory is at present running at a loss, but in the initial stages of a factory, production costs are always high and the sale price of the product cannot be fixed at or above the actual cost of production without running the risk of losing the market.

(b) No, in view of the reply given to part (a).

Discussion of Labour Tribunals

***1916. Shri B. S. Murthy:** Will the Minister of **Labour** be pleased to state the steps proposed to be taken to debar employers from going in appeal to superior courts without implementing the decisions of the Labour Tribunals?

The Minister of Labour (Shri V. V. Giri): Under Section 7 of the Industrial Disputes (Appellate Tribunal) Act, 1950, an appeal from any award or decision of an industrial tribunal can be preferred before the Labour Appellate Tribunal. The High Court or the Supreme Court also can be moved for the issue of high priority writs. The question whether employers should be debarred from preferring such appeals is being considered in connection with the revision of the Labour Relations Bill, 1950. In this connection, a questionnaire has been issued and the opinion of all concerned has been sought on, (1) Whether they are in favour of the retention or abolition of the Appellate Tribunal and if in favour of retention, what its jurisdiction should be and (2) Whether the proceedings of Labour Courts and Tribunals should be excluded from the jurisdiction of the Supreme Court and/or of the High Courts in the matter of appeals and applications for writs. A decision will be taken after considering the replies received.

SALT FOR MYSORE

***1917. Shri Madiah Gowda:** Will the Minister of **Production** be pleased to state:

(a) the quantity of salt supplied to Mysore State, for 1951-52 for

(i) human consumption, and

(ii) animal consumption;

(b) wherefrom the salt is supplied to that State;

(c) what percentage of sodium chloride content was available in that supply; and

(d) whether any refined salt was supplied to Mysore?

The Minister of Production (Shri K. C. Reddy): (a) 8·68 lakh maunds of salt were supplied for both human and animal consumption. Separate figures for human and animal consumption are not readily available.

(b) Madras and Bombay.

(c) 92 per cent. or more in salt supplied for human consumption.

(d) Government have no accurate information because they exercise no control on the production and distribution of refined salt.

ABDUCTED WOMEN

***1918. Shri Ajit Singh:** Will the **Prime Minister** be pleased to state:

(a) the number of abducted women recovered from Pakistan and given back to their parents;

(b) the number of unclaimed women;

(c) the number of those whose parents have refused to accept them; and

(d) the number of children born in Pakistan and brought to India by their recovered mothers?

The Minister of Defence (Shri Gopalaswami): (a) So far, 8,071 such recovered persons have been restored to their *original relatives*. Separate figures relating to restoration of recovered persons to their *parents* are, however, not maintained.

(b) It has not been possible yet, to trace the original relatives of 131 such persons.

(c) Nil.

(d) 102.

PAPER MILLS IN ORISSA

***1919. Shri Sanganna:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of paper mills in the Orissa State;

(b) the subscribed and the paid-up capital of each mill;

(c) the number of share-holders of each mill;

(d) the out-put of paper of each mill for the last three years (1949, 1950 and 1951); and

(e) whether any portion of the paper produced is exported outside the Orissa State?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) One.

(b) According to the balance sheet published by the mills in March 1950, the subscribed and paid-up capital was Rs. 1,00,97,500.

(c) Information is not available.

(d) Precise information is not available.

(e) Yes, Sir.

MAGNESITE (EXPORT)

***1920. Sardar A. S. Saigal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what quantities of magnesite are being exported from Madhya Pradesh, district-wise, between 1st April, 1948 to 31st March, 1952;

(b) What amount accrued to the Government of India as a result of this export during the said period;

(c) what amount of the money so received by the Government was spent over the welfare of the labourers employed in the magnesite mines; and

(d) on what kind of welfare work the amount was spent?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) There are no magnesite deposits in Madhya Pradesh.

(b), (c) and (d). Do not arise.

PIG IRON FACTORY

*1921. **Shri K. G. Deshmukh:** Will the Minister of **Production** be pleased to state:

(a) whether it has been finally decided to erect the "Pig Iron Factory" in Madhya Pradesh instead of having it in "Orissa";

(b) what is the "Steel Plant Committee's" report in connection with this steel project; and

(c) what is the scheduled time fixed for the completion of this project?

The Minister of Production (Shri K. C. Reddy): (a) No; the matter is still under consideration.

(b) Presumably the hon. Member is referring to the Steel Consultants' Projects Reports on new steel works. If so, a copy of the summary of these Reports was placed on the Table of the House on the 7th April, 1949, *vide* supplementary to Seth Govind Das' starred question No. 834 of the 3rd March, 1949.

(c) The project is still under negotiations and it cannot be stated at present when it will be completed.

JUTE USED BY SILK MILLS

*1922. **Shri Madiah Gowda:** Will the Minister of **Commerce and Industry** be pleased to state the quantity and cost of jute that has been consumed by the spun silk mills every year?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): No jute is consumed by the spun silk mills. If, however, the hon. Member intended to know the quantity and value of silk waste (which is also known as "JHOOT" in the trade) consumed by the spun silk mills, the information is given in the statement placed on the Table of the House. [*See* Appendix IX, annexure No. 28.]

LAKKAVALLI PROJECT (MYSORE)

*1923. **Shri Madiah Gowda:** Will the Minister of **Planning** be pleased to state:

(a) whether Lakkavalli Project (Mysore), is one of the projects that has been considered by the Planning Commission in fixing priorities;

(b) what the estimated amount for the said project is;

(c) what amount has been expended for the project up till now; and

(d) when the project is expected to be completed?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) Yes, Sir.

(b) Rs. 20 crores.

(c) About Rs. 92 lakhs.

(d) The first stage of the project is expected to be completed by 1955-56.

SALT CESS

*1924. **Shri A. K. Gopalan:** Will the Minister of **Production** be pleased to state:

(a) what is the cess or levy in the production of salt and the total annual revenue from this source;

(b) the reason for the levy of this salt cess; and

(c) any specific purpose for which the revenue from salt cess is to be used?

The Minister of Production (Shri K. C. Reddy): (a) Attention is invited to replies to parts (a) and (b) of the unstarred question No. 361 on the 8th July 1952.

(b) and (c). The cess is levied to meet the cost of the Salt Organisation.

SALT DISTRIBUTION

*1925. **Shri A. K. Gopalan:** Will the Minister of **Production** be pleased to state:

(a) what is the machinery for the distribution of salt;

(b) whether the distribution is entirely done by the Central Government, through its nominees;

(c) the list of Government nominees State by State;

(d) the annual amount spent by the Government on administration of salt distribution; and

(e) whether Government is considering the question of leaving the distribution to private agencies, and if so, to what extent?

The Minister of Production (Shri K. C. Reddy): (a) The Government of India allocate quotas to each State from the different salt sources for being moved by rail on a priority basis in accordance with the Zonal Scheme of Distribution. They exercise no control over the movement of salt either by rail on non-priority basis or by road, river and sea. Some of the States have appointed their own nominees to import salt from the salt sources and distribute it to their approved retailers. In other States the import and distribution of salt are effected through the normal trade channels.

(b) The Government of India have not appointed any nominees for the distribution of salt. The internal distribution of salt within each State is the responsibility of the State Government.

(c) Does not arise.

(d) No separate establishment is maintained by Government exclusively for the distribution of salt. The annual expenditure on staff for distribution work may however be estimated at about Rs. 2 lacs.

(e) Government do not at present contemplate any change in the existing system of distribution.

PLOTS FOR DISPLACED PERSONS IN MANIPUR

***1926. Shri L. J. Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether Government took or are taking steps to allot plots in and around the Imphal town, to the middle class displaced persons in Manipur; and

(b) whether it is a fact that the local people have protested against any such allotment?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) Yes.

EAST AFRICAN COTTON (ALLOCATION)

***1927. Shri S. G. Parikh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that textile mills were asked to state their requirements of East African Cotton before negotiations were initiated for the bulk purchases by the Joint Chief Controller of Imports;

(b) whether it is a fact that after purchase of the same, instead of allocating it on the basis of needs the Joint Chief Controller of Imports allocated it on the principle of average consumption;

(c) if the answer to part (b) above be in the affirmative what were the reasons for this decision;

(d) whether Government are aware that the change in the policy of allocation of East African Cotton has created resentment and has affected production of the relevant variety of cloth; and

(e) what steps Government propose to take in the matter?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes; but only those mills that received allocations of East African cotton during the last season were so asked.

(b) Yes; allocations were made on the basis of average consumption of like varieties of cotton during the three years 1946-47, 1947-48 and 1948-49.

(c) There has been no departure from the procedure followed last season.

(d) and (e). Do not arise in view of answer to part (c).

STATE PURCHASE CORPORATION

***1928. Shri K. C. Sodhia:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) when Government propose to set up a State Purchase Corporation:

(b) at what stage the proposal is at present:

(c) when they propose to finalise it; and

(d) what is the proposed composition of the Corporation?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): The matter is under consideration of the Government of India.

MINES BOARDS OF HEALTH

***1929. Shri Vittal Rao:** Will the Minister of **Labour** be pleased to state:

(a) whether the Government of Hyderabad have since enacted legislation on the lines of Bihar and Orissa Mining Settlement Act, 1930;

(b) if the answer to part (a) above be in the affirmative, whether Mines Boards of Health have been constituted at Kothagudium and Bellampalli?

The Minister of Labour (Shri V. V. Giri): (a) No; they are examining that question.

(b) Does not arise.

छोटे रेशे वाले कपास के दाम

***१९३०. श्री घण्डक** : क्या वाणिज्य तथा उद्योग मंत्री यह बतलाने की कृपा

करेंगे कि क्या छोट रेशे वाले कपास के न्यूनतम दाम निश्चित करने का कोई प्रस्ताव सरकार के विचाराधीन है और यदि है तो उस ने इस बारे में क्या निश्चय किया है ?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): No.

JUTE MILLS

***1931. Shri M. Islamuddin:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of Jute Mills in India and their producing capacity per annum;

(b) the quantity and value of jute goods produced by them during the last three years (year-wise);

(c) the quantity of domestic raw jute supplied to these Mills in each of these years;

(d) the quantity of raw jute supplied by import in each of these years; and

(e) whether there is any scheme before Government for increased production of jute and development of jute industry: if so, whether a copy of the same will be laid on the Table of the House?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) There are 112 jute mills in India with a capacity for producing 1·2 million tons of jute goods per annum.

(b)—

Year (July-June)	Production in '000 tons
1949-50	858
1950-51	892
1951-52 (July-May)	871 (Only for IJMA mills)

Value figures are not reported.

(c) and (d). The hon. Member's attention is invited to the information furnished in reply to part (a) of unstarred question No. 264 by Shri Meghnad Saha on the 26th June 1952.

(e) The question of increased production of raw jute and development of jute industry is receiving active consideration by the Planning Commission. Schemes when finalised will be incorporated in the five year plan.

RESCUE BRIGADES

***1933. Shri P. C. Bose:** Will the Minister of Labour be pleased to state:

(a) what is the total number of whole time Rescue Brigades working at Jharia and Raniganj Coal Mines Rescue Stations;

(b) how many colliery workers have been trained up-to-date in rescue operations from these Rescue Stations; and

(c) whether there is any arrangement in these Rescue Stations to maintain the efficiency of these rescue workers by periodical refresher courses and medical examination?

The Minister of Labour (Shri V. V. Giri): (a) Three.

(b) 1029.

(c) Yes, as provided for in the Coal Mines Rescue Rules, 1939.

MINIMUM WAGES FOR PLANTATION LABOUR

***1934. Shri Achuthan:** Will the Minister of Labour be pleased to state what are the steps taken by Government to enforce the provisions of the Minimum Wages Act to the Plantation labour in the Travancore-Cochin State and how far they have succeeded?

The Minister of Labour (Shri V. V. Giri): The Government of Travancore-Cochin State, which is responsible for the fixation of minimum rates of wages in Plantations under the Minimum Wages Act appointed a Committee under Section 5(1)(a) of the Minimum Wages Act, 1948. The report submitted by the Committee is being examined by that Government. It is hoped that the rates will be fixed shortly.

RECRUITMENT OF STAFF FOR INDIAN MISSIONS

***1935. Shri Achuthan:** Will the Prime Minister be pleased to state:

(a) whether there are any rules laid down for recruitment of staff to various Missions abroad;

(b) whether there is any percentage fixed for permanent posts; and

(c) whether the Head of the Mission has any discretion in this matter?

The Prime Minister (Shri Jawaharlal Nehru): (a) There are different sets of rules for recruitment to the various categories of posts for our missions abroad. Some of these posts are India-based, others are locally recruited. The higher diplomatic and consular posts are filled by officers of the Indian Foreign Service, recruitment to which is now made through a competitive examination.

Officers for India-based ministerial and other junior posts are drawn for the most part from the Central Secretariat Service.

Certain junior ministerial posts—interpreters, messengers, etc. are filled locally for reasons of economy and administrative convenience. The selection of such local recruits is made by the Head of the Mission in accordance with the practice prevailing in the country concerned. The terms are subject to the approval of the Government of India.

(b) Most of the Government of India's posts abroad are still temporary though their occupants, as in the case of the Foreign Service and the Central Secretariat Service, etc. are often permanent Government servants.

(c) The Head of the Mission has no discretion in the matter of recruitment of officers and staff sent from India. Staff recruited locally for some junior posts is selected by the Head of the Mission.

TIN PLATES FOR MADHYA PRADESH

***1936. Mulla Abdullabhai:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quota of Tin Plates (perfect and defective) and Galvanized Corrugated Sheets allotted to Madhya Pradesh Government during the years 1949, 1950 and 1951 and the quantity supplied in the respective years, as well as till the end of June 1952; and

(b) whether the Government of India have laid down any terms and conditions for distributing this quota?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Two statements are laid on the Table of the House. [*See* Appendix IX, annexure No. 29.]

MINIMUM WAGES FOR LABOUR IN GLASS INDUSTRIES

***1937. Mulla Abdullabhai:** Will the Minister of Labour be pleased to state whether the Government of India have fixed any minimum wages for the labourers in glass industries throughout India or in Madhya Pradesh only?

The Minister of Labour (Shri V. V. Giri): Glass industry is not covered by the provisions of the Minimum Wages Act, 1948; but a State Government may include the industry in the schedule of employments under that Act and fix minimum rates of wages. So far, the Government of Madhya Pradesh have fixed minimum rates of wages in that industry.

HOUSING FOR COAL MINE LABOUR

***1938. Shri P. C. Bose:** Will the Minister of Labour be pleased to state:

(a) how many houses have been built from out of the Coal Mines Welfare Fund for the accommodation of the Coal Mine workers in different Coal Fields;

(b) the number of houses built by the Mine owners under the subsidy scheme of the Coal Mine Welfare Fund; and

(c) what are the welfare activities undertaken by means of the Welfare Fund for the mining labourers?

The Minister of Labour (Shri V. V. Giri): (a) 1948.

(b) 54; 381 houses are under construction.

(c) (i) Hospitalisation and other medical facilities;

(ii) Grants to colliery owners for improved standards of dispensary services.

(iii) Public Health measures including Anti-malaria operations.

(iv) Anti-T.B. measures including BCG Vaccination.

(v) Educational and recreational facilities including the imparting of vocational training and social education to adults through audio-visual methods.

(vi) Improvement of standards of living including nutrition and amelioration of social conditions.

(vii) Provision of houses and payment of subsidy for the construction of houses by colliery owners.

A copy of the Memorandum on the activities of the Coal Mines Labour Welfare Fund for 1950-51 has been placed on the Table of the House. [*Copy placed in Library.* See *reference No. IV.R.(a)(15).*]

PUBLIC WORKER KILLED IN PONDICHERRY

***1939. Shri A. K. Gopalan:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that a public worker, campaigning for merger, of Pondicherry was recently killed by goonda attacks;

(b) whether Government have received any report of the matter and if so, whether it will be placed on the Table of the House;

(c) how many such attacks on the person and property of Indians living in French India have come to the notice of Government in the last three months; and

(d) what steps Government have taken in the matter?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) It is presumed that the hon. Member is referring to the death of Mr. Venkatesa Padayachi as the result of an assault made on him in the Bahour village on 12th June, 1952.

(b) A note containing the information available to the Government of India on the subject is placed on the Table of the House. [*See* Appendix IX, annexure No. 30.]

(d) One other recent case has come to the notice of the Government of India. It is understood that on 1st May, 1952, six French Indian "goondas" threw stones into Indian Union Territory and assaulted some Indian nationals visiting Pondicherry.

(d) We have posted special Armed Police on the border to maintain peace and prevent the occurrence of assaults on Indian nationals. Our Consul-General in Pondicherry has also lodged protests with the French Indian Authorities against border incidents involving assaults on Indian nationals and trespass into Indian Union Territory. These steps have considerably reduced the frequency of border incidents as compared to last year.

CENTRAL COTTAGE INDUSTRIES EMPORIUM

***1940. Shri Badshah Gupta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total valuation of articles of artistic value and of those of common use respectively as per stock on 30th June, 1952, in the Central Cottage Industries Emporium, Queensway, New Delhi; and

(b) the cost incurred on the production and arrangements for sale of the articles of the Emporium during 1951-52 and the sale prices received during the said period?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Articles of artistic value—Rs. 1,33,590.

A. I. R. STATION, MYSORE

(b) The Emporium is not incurring any expenditure on production or purchase of goods. The goods are obtained on consignment basis for sale. During the year 1951-52 the sale proceeds amounted to Rs. 2,38,803 while the expenditure incurred on these sales and general display was Rs. 48,800 approximately.

COAL EXPORTS

***1941. Shri Badshah Gupta:** Will the Minister of **Commerce and Industry** be pleased to state the names of the foreign countries that imported Indian Coal during 1951-52 together with the quantity in maunds exported to each country and price in terms of rupees?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): A statement is placed on the Table of the House. [*See* Appendix IX, annexure No. 31.]

INDENTURED LABOUR

***1942. Shri Badshah Gupta:** Will the **Prime Minister** be pleased to state whether any Indentured Labour has been supplied by India to any foreign country during 1947-48 to 1951-52?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): No.

MICA EXPORTS FROM MADRAS

***1943. Shri Nana Das:** Will the Minister of **Commerce and Industry** be pleased to state the total quantity and value of the mica exported out of the Madras State during (i) the half year ended on 30th June, 1951 and (ii) the half year ended on 30th June, 1952?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): 84,750 cwts. valued at Rs. 137 lakhs and about 41,676 cwts. valued at Rs. 113 lakhs of mica was exported from the port of Madras during the half year ended on the 30th June 1951 and the half year ended on the 30th June 1952, respectively.

DISPLACED FAMILIES FROM YOL CAMP

***1945. Pandit C. N. Malviya:** Will the Minister of **Rehabilitation** be pleased to state:

(a) how many displaced families from Yol camp were sent for rehabilitation to Bhopal State;

(b) when they were sent to Bhopal; and

(c) what is their present condition?

The Minister of Rehabilitation (Shri A. P. Jain): (a) 241.

(b) April, 1952.

(c) 230 of these families have refused to settle on the land arranged for them. They have been temporarily housed in Sultania Barracks at Bhopal and, at their own request, allowed to arrange sites of rehabilitation for themselves when loans would be given to them.

Aruvankadu Cordite Factory Workers

***1946. Shri Veeraswamy:** Will the Minister of **Labour** be pleased to state:

(a) whether the Minister has received any representation from the workers of the Aruvankadu Cordite Factory demanding Hill allowance; and

(b) at what stage the matter stands?

The Minister of Labour (Shri V. V. Giri): (a) and (b). In January 1952, an application under Section 1C of the Industrial Disputes Act, 1947, was received from the Cordite Factory Labour Union, Aruvankadu, for reference to an Industrial Tribunal, of the dispute concerning "Hill Allowance". The matter is under consideration.

Political Prisoners in Goa

***1947. Shri K. Subrahmanyam:** Will the **Prime Minister** be pleased to state whether Government have any information regarding the transfer by Portuguese authorities of political prisoners from Goa to Portuguese territories in Africa?

The Prime Minister (Shri Jawaharlal Nehru): As far as the Government of India are aware, some political prisoners were suddenly taken away from Goa early in June and reached Lisbon in a state of great distress. Some of them had to be taken to the jail hospital. It is not known whether these prisoners will be kept in Lisbon or sent elsewhere.

Import of Wool from Tibet

***1948. Shri Bhakta Darshan:** (a) Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to my starred question No. 933 on the 17th June, 1952 and state what steps Government have taken or propose to take, so that the imports of Tibetan wool into India through the Himalayan Passes may continue regularly in future?

(b) Do Government propose to enter into a Trade Agreement with the Government of Tibet on this and other allied commodities?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Government have taken the following steps:

(i) Tibetan wool has been allowed to be exported freely from India. Even when export of Indian wool was subject to quota restrictions, Tibetan wool was allowed freely for export outside the quota.

(ii) The export duty on Tibetan wool has been abolished with effect from 16th March 1952. This applies also to Indian Wool.

(iii) An adequate quantity of cotton textiles was allotted to traders in Garhwal and Almora Districts of Uttar Pradesh for barter trade in wool and other commodities with Tibet when there were quota restrictions on the distribution of cotton textiles.

(b) Government have no such proposal under consideration at present.

Employment Exchange, Delhi.

***1949. Giani G. S. Musafir:** Will the Minister of **Labour** be pleased to state:

(a) the number of persons registered by the Employment Exchange, Delhi, during the last year, for employment; and

(b) number of persons who secured employment through Employment Exchange, Delhi, during the last one year?

The Minister of Labour (Shri V. V. Giri): (a) and (b). 65,151 persons were registered and 9,599 were placed in employment through Employment Exchange, Delhi, during the twelve months ending June 1952.

Price of Land in Delhi

***1950. Giani G. S. Musafir:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that price of land in Delhi and its suburbs has risen very high during the last six years; and

(b) if so what steps Government have taken to check it?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes, Sir.

(b) In order to check the inflation in price, Government have decided to claim unearned increase in the price of land at the time of transfer, to reserve the right of pre-emption in new leases, and have also been selling Government land in New Delhi from time to time to the Diplomatic Missions, and to the public, including displaced persons. Government have also banned the purchase of more than one plot by any one individual and have also decided not to recognize "Benami" transactions.

JAPANESE PROPERTIES CONFISCATED DURING WAR

455. **Shri Badshah Gupta:** Will the Minister of **Commerce and Industry** be pleased to state the amount of costs in terms of rupees on the upkeep or other expenses involved in managing the properties of the Japanese Government and of Japanese nationals confiscated by India when the war between Japan and India began?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): No properties of the Japanese Government or of Japanese nationals were confiscated. Such properties were vested in the Custodian of Enemy Property in India under orders issued by the Central Government from time to time. Total cost of upkeep of the Japanese properties in India has not yet been computed.

COLLIERY LABOUR (RECRUITMENT)

456. **Shri Morarka:** Will the Minister of **Labour** be pleased to state:

(a) whether the system of recruitment of labour through contractors still continues in Indian collieries; and

(b) since the prohibition of employment of women underground in collieries, to what extent has the production of collieries improved and to what extent have the wages of the underground male worker increased?

The Minister of Labour (Shri V. V. Giri): (a) Extensive steps have been taken by the private sector of the industry to eliminate the contract labour system. The system has also been abolished in 9 out of 11 railway collieries and steps are being taken to abolish it from the remaining 2 collieries as well.

(b) The information is being collected and will be placed on the Table of the House.

न्यूनतम मजूरी अधिनियम

*४५७. **डा० सत्यवादी:** क्या श्रम मंत्री यह बतलाने की कृपा करेंगे कि देश में अब तक किन किन राज्यों ने न्यूनतम मजूरी अधिनियम के अनुसार स्थानीय प्राधिकारों के निम्न वेतन वाले कर्मचारियों के लिये न्यूनतम मजूरियां निश्चित की हैं ?

The Minister of Labour (Shri V. V. Giri): I invite the attention of my friend to the statement laid on the Table of the House on the 16th July 1952 in reply to his unstarred question No. 428.

MICA EXPORTS FROM MADRAS STATE

459. **Shri Nana Das:** Will the Minister of **Commerce and Industry** be pleased to state the total quantity and value of the mica exported out of the Madras State during the years 1947-48, 1948-49, 1949-50 and 1950-51?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): A statement is placed on the Table of the House. [*See* Appendix IX, annexure No. 32.]

ACCIDENTS IN NELLORE MICA MINES

460. **Shri Nana Das:** Will the Minister of **Labour** be pleased to state:

(a) the number of accidents which occurred at the Mica mines in Nellore District Madras State and how many resulted in loss of life during the years 1945, 1946, 1947, 1948, 1949, 1950, 1951 and 1952;

(b) in how many cases compensation was paid and what are the individual amounts; and

(c) how many cases are still pending payment of compensation?

The Minister of Labour (Shri V. V. Giri): (a) The number of accidents in the mica mines in Nellore district during these years is as follows:

	1945	1946	1947	1948	1949	1950	1951	1952
Total accidents including fatal accidents	6	5	6	6	7	8	12	5
Number of fatal accidents .	1	4	2	2	1	1	3	3

(b) and (c). Compensation is being paid under the Workmen's Compensation Act, 1923, which is administered by State Governments. It is therefore regretted that Government of India have no information.

BICYCLES

461. **Shri Balmiki:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of bicycles produced by Indian manufacturers in 1951-52; and

(b) the steps taken by Government to make India self-sufficient in the matter of bicycles?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) 114,275 in 1951 and 58,401 up to the end of May 1952.

(b) The capacity of the existing factories together with that of the new factories which have been sanctioned is expected to meet the demand of the country.

WORK CHARGED ESTABLISHMENT (PAY SCALE).

462. Shri Vidyalankar: Will the Minister of **Irrigation and Power** be pleased to state:

(a) the pay scales of the work charged establishment at—

(i) Damodar Valley Project

(ii) Hirakud Project

(iii) Nangal Bhakhra Project;

(b) the minimum wage that is being paid at each of the above mentioned works to the following categories of workers—

(i) Sweepers

(ii) Chaukidars

(iii) Cleaners

(iv) Unskilled workers

(v) those engaged in digging and carrying loads, etc., and messengers, peons, etc.;

(c) whether any minimum wage has been fixed in the case of stone breakers and road makers there; and

(d) whether any minimum wage has been fixed for any other categories?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) to (d). The information is being collected and will be laid on the Table of the House as soon as possible.

COTTAGE INDUSTRIES

463. Shri Jasani: Will the Minister of **Commerce and Industry** be pleased to state:

(a) all steps so far been taken by Government to encourage the Cottage Industries in the country;

(b) what was the total expenditure incurred for this purpose during the 3 financial years ending on 31st March, 1952 and how this amount was spent; and

(c) the amount provided for the purpose in 1952-53 Budget?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) I would refer the hon. Member to the Cottage Industries special number of the Journal of Industry and Trade for June 1952.

(b) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 33.]

(c) Rs. 20 lakhs.

BRANCHES OF PRESS INFORMATION BUREAU

464. Shri C. N. P. Sinha: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the expenses incurred by the Press Information Bureau in its branches at Bombay, Calcutta and Madras in 1950, 1951 and 1952;

(b) the main functions of these branches; and

(c) whether Government propose to continue these branches in future?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). A statement showing expenditure incurred on the Branch Offices of the Press Information Bureau at Bombay, Calcutta and Madras during the years 1949-50, 1950-51 and 1951-52, and their main functions is placed on the Table of the House. [*See* Appendix IX, annexure No. 34.]

(c) Yes.

OFFICE OF DIRECTOR OF COMMERCIAL INTELLIGENCE

465. Shri C. N. P. Sinha: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the expenses incurred in the Office of the Director of Commercial Intelligence at Calcutta in 1950, 1951 and 1952 on staff and publications; and

(b) whether there is any proposal for effecting economy?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Precise information is not available. It will be placed on the Table of the House in due course.

(b) Yes, Sir.

A. I. R. STATION, MYSORE

466. Shri Madiah Gowda: Will the Minister of **Information and Broadcasting** be pleased to state what improvements have been effected in the A.I.R. station at Mysore after it has been taken over by the Centre?

The Minister of Information and Broadcasting (Dr. Keskar): Disc recording facilities were provided at the

Mysore Station soon after it was taken over.

Further improvements were envisaged but these had to be held in abeyance owing to financial stringency.

CHANDRANAGORE

467. Shri A. K. Gopalan: Will the **Prime Minister** be pleased to state:

(a) how do the Government of India intend consulting the people of Chandranagore regarding their future administration;

(b) have the people of Chandranagore or their elected representatives been consulted on the choice of the administration; and

(c) whether steps are being taken for integration of Chandranagore with West Bengal?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). The people of Chandranagore will be consulted before the future administration of Chandranagore is settled. The present arrangement is purely temporary. By the signing of the Treaty of Cession the old Administrative Council ceased to have validity and some temporary arrangement had to be made immediately. This was done after careful consideration and in consultation with the Government of West Bengal and the Administrator of Chandranagore. Further and more permanent changes will be brought in after due consultation with the people. It is not possible to say at present how this will be done.

(c) The question of integration of Chandranagore with West Bengal does not arise. It is for the people of Chandranagore to decide about their future.

SURPLUS DEFENCE STORES

468. Shri Badshah Gupta: Will the **Minister of Works, Housing and Supply** be pleased to state whether any inventory of articles to be sold by auction or private negotiations of surplus defence stores is prepared with its price and verified by some responsible officer prior to their disposal?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): Yes. Sir. Lists of surplus stores available for disposal are prepared and their reserved/guiding prices are fixed by duly authorised Disposals authorities in consultation with the officers of the Ministry of Finance.

SALES BY U. S. S. R. AT INTERNATIONAL FAIR

469. Shri A. K. Gopalan: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total value and list of goods that the Soviet Union sold at the International Fair held in Bombay in the beginning of this year;

(b) whether the sales were made to private firms, individuals or also to Government;

(c) whether it is a fact that the Soviet representatives had approached the Government of India for the grant of import licenses in respect of other articles displayed at their pavilion;

(d) whether the USSR representatives made all the sales for cash payment or some machines were given on consignment sales;

(e) whether import licenses were secured from the Government of India for the articles thus sold; and

(f) whether Government realised the normal import duty on articles thus sold and if so, what was the value of the import duty?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Two special sale permits for Rs. 3,70,000 and Rs. 23,44,540 were granted by the Ministry for the disposal of Soviet exhibits for sale.

(c) Yes.

(d) and (e). The Government have no information.

(f) The Government have called for the information.

THE PARLIAMENTARY DEBATES

Dated......20.11.2014...

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

HOUSE OF THE PEOPLE

Monday, 21st July, 1952.

The House met at a Quarter Past Eight of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

9-15 A.M.

PAPERS LAID ON THE TABLE

(I) CENTRAL ADVISORY COUNCIL (PROCEDURAL RULES; (II) REGISTRATION AND LICENSING OF INDUSTRIAL UNDERTAKINGS RULES.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to lay on the Table, under sub-section (4) of section 30 of the Industries (Development and Regulation) Act, 1951, a copy of each of the following Rules published in Notifications Nos. S.R.O. 813 and S.R.O. 1141, dated the 8th May and 9th July, 1952:

(i) The Central Advisory Council (Procedural) Rules, 1952. [*Placed in Library. See* No. P-33/52].

(ii) The Registration and Licensing of Industrial Undertakings Rules, 1952 [*Placed in Library. See* No. P-34/52].

ELECTION TO COMMITTEE

INDIAN COUNCIL OF AGRICULTURAL RESEARCH

The Minister of Rehabilitation (Shri A. P. Jain): I beg to move:

> "That in pursuance of Rule 2(6) of the Rules of the Indian Council of Agricultural Research, this House do proceed to elect, in such manner as the Speaker may direct, four members from among themselves to be members of the Indian Council of Agricultural Research."

Mr. Speaker: The question is:

> "That in pursuance of Rule 2(6) of the Rules of the Indian Council of Agricultural Research, this House do proceed to elect, in such manner as the Speaker may direct, four members from among themselves to be members of the Indian Council of Agricultural Research."

The motion was adopted.

Mr. Speaker: I have to inform Members that for the purpose of election by means of the single transferable vote of four Members to the Indian Council of Agricultural Research, the programme of dates will be as follows:

1. Nominations to be filed in the Parliamentary Notice Office upto 12 Noon on Thursday, the 24th July, 1952.
2. Election, if necessary, would be held on Monday, the 28th July 1952, in Deputy Secretary's room (No. 21) in the Parliament House between the hours 10-30 A.M. and 1 P.M.

MESSAGE FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:

> "In accordance with the provisions of sub-rule (5) of rule 162 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to return herewith the Indian Tariff (Third Amendment) Bill, 1952, which was passed by the House of the People at its sitting held on the 16th July, 1952, and transmitted to the Council of States for its recommendations, and to state that the

[Secretary]

Council has no recommendations to make to the House of the People in regard to the said Bill."

INDIAN INCOME-TAX (AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE.

The Minister of Finance (Shri C. D. Deshmukh): I beg to move:

> "That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Indian Income-Tax Act, 1922, be extended upto the 28th of July 1952."

We have had two meetings and we have not made very much progress, because this is somewhat heavy going and therefore, I think, that we shall require the best part of this week in order to be able to complete our deliberations.

Mr. Speaker: Motion moved:

> "That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Indian Income-Tax Act, 1922, be extended upto the 28th of July 1952."

Pandit Thakur Das Bhargava (Gurgaon): In my humble opinion this period of one week will not be sufficient to conclude our business and I would, therefore, ask the hon. Finance Minister kindly to get it extended by another week at least.

Shri C. D. Deshmukh: I am still entertaining some hopes of being able to get it through this session.

Mr. Speaker: He will come again.

Shri C. D. Deshmukh: I will come again.

Mr. Speaker: Hon. Members have to remember that the Business Advisory Committee has pressed that the session should come to an end by the 31st of July, so far as possible. It might be extended for just a few days, if absolutely necessary on account of urgency of Government business. That is the opinion which the Advisory Committee has expressed and I mention this here in view of the request made by the hon. Member. He wanted the extension by one week more, which takes the whole thing, I believe, to about the 5th or 6th of August.

The question is:

> "That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Indian Income-Tax Act, 1922, be extended upto the 28th of July, 1952."

The motion was adopted.

COMMISSIONS OF INQUIRY BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE.

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

> "That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers, be extended upto the 25th July, 1952."

The Committee has concluded its deliberations. The report has been drafted and it is being considered now. Some of the Members have left the station. Hence the delay in its presentation to the House.

Mr. Speaker: The question is:

> "That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers, be extended upto the 25th July, 1952."

The motion was adopted.

CENTRAL SILK BOARD (AMENDMENT) BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Central Silk Board Act, 1948.

Mr. Speaker: The question is:

> "That leave be granted to introduce a Bill further to amend the Central Silk Board Act, 1948."

The motion was adopted.

Shri T. T. Krishnamachari: I introduce the Bill.

Shri R. K. Chaudhury (Gauhati): Sir, before the other Bill is taken up, may

I respectfully mention one fact and that is that we are in great suspense about the condition of things in Assam. As you will be pleased to remember a Short Notice Question was accepted by you and we expected it to be answered at least today. A long time has elapsed since the Short Notice Question was put and the answer should be given to us.

Mr. Speaker: That point was raised by Mr. Amjad Ali and the hon. Minister said that he was in communication with the Government of Assam. He will get the information as soon as possible.

Shri R. K. Chaudhury: Am I to take it that the communication with the Government of Assam has been disturbed and therefore the answer has been delayed?

Mr. Speaker: Let us not go into that. The hon. Minister is anxious to give the information as early as possible.

Jonab Amjad Ali (Goalpara-Garo Hills): Is he ready with that information today?

The Minister of Home Affairs and States (Dr. Katju): I have got some information. It is being collated. I shall present it before the House tomorrow.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL.—*Contd.*

Mr. Speaker: Before the House proceeds with the further consideration of this particular motion and the amendments, I should deal first with certain points raised by the hon. Dr. S. P. Mookerjee during the course of the debate on this Bill.

On the motion made by the hon. the Home Minister for consideration of the Preventive Detention (Second Amendment) Bill, 1952, three amendments were moved as follows:

(i) for circulation of the Bill to elicit public opinion by Shri Gurupadaswamy;

(ii) for reference to the Joint Select Committee, by Dr. Punjabrao Deshmukh; and

(iii) for reference to the Select Committee, by Sardar Hukam Singh with direction to consider all amendments even to those sections of the principal Act, which are not sought to be amended by the present amending Bill.

During the course of the debate Dr. Syama Prasad Mookerjee raised on 18th July, 1952, two points. The first was that the form in which the Bill has been drawn up is bad and therefore not in order. The other was, to quote his words, about "the feasibility and admissibility of amendments so as to enable the House to consider the entire Act." In other words, whether it would be competent for a Member of the House to move amendments to sections of the principal Act which are not sought to be amended by the present amending Bill.

His contention seems to be that, by this Bill the Government are attempting not only to continue an expiring law, but are further amending some of its substantive provisions also. This form of the Bill raises some difficulties as regards the scope for and the character of the amendments, that may be permissible to be moved. The position would have been clear, if the Bill sought merely to continue an expiring law. The scope of amendments would be then strictly limited, as has been settled by long Parliamentary practice, and as stated in a recent ruling by me in connection with the Ajmer-Merwara Rent Control Bill, which came before the House on 19th March, 1951. I need not go into those details as the matter is fully dealt with in my previous ruling. But, a difficulty is felt here because Government have sought to amend certain other provisions also of the principal Act in addition to a provision to continue the remaining provisions of the Act for a certain period. His contention is that such a Bill is bad in form, and the proper course for Government to follow, for securing thorough deliberations on the measure and for giving the House an opportunity of discussing the entire subject, was to introduce a totally new Bill including therein as many provisions of the old Act as Government may have thought proper. Instead, Government having sought by the present Bill amendments in both directions, namely continuation of some of the provisions of the principal Act and amendment of others, it has become necessary to know, at the outset, as to whether the Bill is to be treated as an expiring Act continuation Bill or as an ordinary amending Bill. If on the other hand, it is to be treated as a combination of both forms, then his contention is that the rule which governs the scope of amendments on an expiring law continuation Bill cannot apply, because Government themselves are not seeking to continue the same law without any alterations.

While one can appreciate this contention, it is difficult to see as to how

[Mr. Speaker]

the Bill can be ruled out of order, because of what he calls a 'bad form'. He appears to be conscious of the weakness of his contention and he, therefore, advances the second alternative contention also. I do not think I need dilate upon the question of form. It is obvious to my mind that the Bill cannot be said to be out of order on that ground. His second point mentions that his purpose is to get a ruling of the Chair as regards "the feasibility and admissibility of the amendments so as to enable the House to consider the entire Act". He wants an opportunity to be given to propose amendments with regard to any or all the provisions of the principal Act.

Looking to the provisions of the Bill, it is obvious that it is not an expiring law continuance Bill, *pure and simple*, and it follows that it has to be treated as a category by itself. The position is undoubtedly complicated. If it were merely an amending Bill seeking to amend certain provisions of the principal Act, the position was clear that, it would not be permissible to seek amendments to those sections of the principal Act which are not sought to be amended. But the Bill seeks to continue in force all the provisions of the principal Act with certain amendments by means of a small amendment in Section 1 of the Principal Act, by changing the date on which the principal Act ceases to exist, under the existing provisions. It also adds a new provision—proposed section 12A.

I think, looking to the form and the nature of the Bill, it cannot be treated as an expiring law continuance Bill, pure and simple, and the amendments, therefore, that can be proposed, cannot be limited in scope, like the amendments in case of an expiring laws continuance Bill. In a sense, the Bill presents in a different form the entire subject of the principal Act; and for the purposes of judging about the admissibility of amendments on the ground of the scope of the Bill or clauses, it is immaterial, to my mind, to go into the question as to how far the amendments sought to be made by the Bill in the principal Act are substantial. It is enough that the amendments that are sought to be made by the amending Bill are not *purely* formal or altogether *minor ones*. Some of them are of a substantial character, though they make the law more liberal and give certain more privileges to a detenu and limit the total period of detention. The point is that, the amending Bill now before the House is different at least in some material particulars from the Act, the life of which the present Bill seeks to extend.

What should be the scope of amendments in these circumstances? A specific answer to this general question is perhaps impossible of exact definition. In so far as the Bill touches particular sections of the principal Act, such as sections 3, 10, etc., it is clear that amendments to those sections would be permissible as being within the scope of the Bill, if relevant to and within the scope of the individual sections. That is a well established rule. The amending Bill touches the scheme of provisions of law contained in that particular section; and even a minor amendment to any part of the section opens a wider scope for amendments. This statement is rather too general, but it becomes difficult to extricate the substance from the appendage, when both are huddled together in one scheme of a section.

The difficulty arises in respect of amendments to such sections of the principal Act as are not touched by the amending Bill directly, but are sought to be continued by extension of time by amendment of one section only, of the principal Act. On this aspect, it is neither possible nor desirable to treat the whole of the expiring Act on the same footing as one section, though the Act consists of one entire piece of legislation, and, therefore, presents one scheme. It is not on a par with a section which represents a complete, but component part of a bigger scheme. At present, therefore, I am inclined to think that unless there is some authority from the House to permit a general amendment to the whole scheme of the Act, it would be difficult to hold that any amendment to any section of the Act would automatically be permitted. At this stage, the question is hypothetical. Unless a specific amendment to sections of the principal Act not touched by the amending Bill is brought before me and its affinity or relation to the provisions of the amending Bill are examined, it would be difficult to say as to what particular amendment is or is not in order. In view of the peculiar and mixed form in which the Bill is coming before the House, one can say that the scope of amendments to a particular section need not necessarily be restricted to the provisions of the sections specified in the clauses of the amending Bill, but the admissibility has to be determined in the light of the entire new scheme of the Act and as sought to be amended by the amending Bill.

Amendments relating to matters outside the particular section sought to be amended but closely related to the new scheme of the Act and arising from the sections sought to be amended may be permissible, if they are otherwise competent. I do not think I can go beyond this general statement at the present stage.

According to English practice, they have general instruction given by Standing Order No. 40 which provides as follows:

> "It shall be an instruction to all Committees in which Bills may be committed, that they have power to make such amendments therein as they shall think fit provided they be relevant to the subject matter of the Bill but that if any such amendments shall not be within the title of the Bill, they do amend the title accordingly, and do report the same specially to the House."

There, the scope is determined by the title, and therefore, a general rule is made for allowing amendments beyond the strict scope provided they are relevant to the subject, and then liberty is given to change the title.

In addition to this Standing Order, there is also the practice to give special instructions to Select Committees and thereby extend the original scope for the amendments. The amendment of Sardar Hukam Singh appears to proceed on this line. It would be for the House to decide as to whether such instructions should or should not be given as it is competent for the House to give them if it is pleased to do so. Sardar Hukam Singh's amendment is not, therefore, out of order, as the matter is within the competence of the House with reference to the present Bill.

In the view that I am taking of the peculiar nature of this Bill and its provisions, I do not think it is necessary to discuss the position as on an expiring laws Bill. To my mind, the various rulings cited and discussed on the floor of the House do not apply to the facts of the present case. Nor is the question of assurance given by the hon. the Home Minister to the predecessor of this Parliament on 28th February, 1952, relevant for the purpose of deciding the present issue.

I may add that a glance at the amending Bill will show that it practically covers the most vital and important provisions of the expiring Act. The amending Bill touches section 3, which is, as it were, the centre of the Preventive Detention Law, and section 10 dealing with the procedure of Advisory Boards is also sought to be amended by clause 6 of the Bill. The other provisions, both of the original Act and the Bill are mainly procedural or formal. For all practical purposes, even within the restrictions of the general rule about the admissibility of amendments, the field as regards detentions, the right of representation, the period for which the law has to remain in force etc., is open. Matters of administration, such as execution of detention orders, regulation of places and conditions of detention, constitution of Advisory Boards etc., though matters of importance, are not matters of vital substance. But these are matters which have to be considered by hon. Members who are thinking in terms of amendments to all sections. I am merely inviting their attention to aspects which seem to make any further discussion about the admissibility of amendments rather unnecessary at this stage from a practical point of view.

Shri N. P. Nathwani (Sorath): When the House adjourned on Friday, I was referring to the various safeguards against the abuse of this power. May I refer to the provision for the Advisory Board? Though certain Members from the opposite side have tried to belittle or ignore the existence of this provision, may I point out that though not a substitute for a Court of law, it is, as observed by Mr. Justice Mahajan in a case which came up before the Supreme Court, a substantial solatium for the person preventively detained.

Mr. Speaker: Order, order. Let there be no talk here now.

Shri N. P. Nathwani: Again, the courts of law can intervene and grant relief in a number of cases. For instance, if the power is used out of personal spite or ill-will, or if the power is used and the ground is given which has no relation to the facts or if the grounds supplied by the detaining authority are insufficient to enable the detained person to make his representation—in all these cases, the courts of law can grant relief. Thus, the Bill which is sought to be passed is not arbitrary or capricious, and it does not give arbitrary powers. But, some of the hon. Members on the opposite side have stated that it is a draconian law which is sought to be passed, that it is barbarous, that it is stinking and so on. And they say that whenever the power is used, it is used to crush democracy or some

[Shri N. P. Nathwani]

democratic movement, and they demand that the Bill should be circulated for eliciting public opinion.

On the last day I referred to some facts to show under what circumstances the Government of Saurashtra had no alternative left but to resort to this Act, and how the situation was brought under control. Some of the hon. Members who want to know about the forces which have been operating at the back of these dangerous activities of gangs of dacoits may do well to await the result of a trial which is going on today in the court of the Sessions Judge at Gondal. In that case several persons including a Prince have been charged with and are being tried for having conspired to commit and having committed a dacoity at a village called Rib in Central Saurashtra. But these hon. Members say that you are trying to suppress democracy, you are trying to suppress democratic movements. and therefore, refer the Bill for eliciting public opinion. Do these hon. Members want to tell the people in Saurashtra and other parts of the country that these dangerous activities, these dacoities and robberies which have been committed......

Jonab Amjad Ali (Goalpara-Garo Hills): On a point of order, Sir. The hon. Member on his legs is referring to certain matters *sub judice*. Is he competent to do it?

Mr. Speaker: The hon. Member will realise that he is not referring to the merits of the cases. He merely mentions the fact that cases are pending. There is no objection to that. He mentions that proceedings are pending but he does not discuss the merits of the proceedings or the contents of the proceedings.

Shri N. P. Nathwani: Do these hon. Members who want the Bill to be circulated for eliciting public opinion want to tell the people in Saurashtra and several other parts of the country that these robberies and dacoities represent a democratic movement? Do they want to tell the people that these dacoits and the powerful persons who are at the back of these dacoities are the leaders of a democratic movement? And they want the people to express their opinion whether they would choose between a reign of terror or allow a certain class of persons committing these atrocities to be preventively detained. Does it not amount to asking a person who is starving to express his opinion whether he would like to have food or whether he would like to strave and die? To do so is not merely an insult to his intelligence, but to add insult to injury.

I regret not because this Bill is to be passed, but because there exist circumstances in the country which justify the continuance of this Bill. It is not a question of dealing with a few dacoits. It is a question of dealing with a class of big landlords and Princes who, with a view to oppose your land reforms policy and other economic programmes, want to indulge in a terrorist movement to scare away the tenants and other classes from insisting upon their strict rights under the reform measures which are being enacted in various parts of the country. Several hon. Members on the opposite side have spoken on this Bill, but none of them has said even a single word in condemnation of this class of persons. None of them has a word of sympathy for the people who faced and are facing serious danger. Still they say that the Bill should be circulated for eliciting public opinion thereon. But may I say this that people have expressed themselves solidly behind this measure, so far as Saurashtra in particular and various other parts of the country are concerned, and they want this Bill to continue? The recent events in Saurashtra have a lesson and a valuable lesson for other parts of the country. If you want peace and order to be preserved, if you do not want your land reform policies to be whittled down by a reign of terror, the States must have this power to detain. And therefore this Bill must be passed.

With these words, I support the Bill and oppose the amendment seeking to circulate the Bill for eliciting public opinion thereon.

Shri N. C. Chatterjee (Hooghly): I am not one of those who believe in a policy of obstruction or opposition for the mere sake of opposition. Therefore, I listened to the speech of the hon. the Home Minister with great attention. I expected from him some solid facts some close reasoning, and some logical arguments in defence of the measure which he wants to continue and for which he wants the vote of this House, the first House elected on the basis of adult suffrage for the first time in the history of India. I am sorry to say that I am disappointed. I am disappointed because I did not get real facts. He gave us more abuses than facts, he hurled at us invectives and not logic, and propounded arguments which will not even convince a political ignoramus. He was continually saying Look at this unior of hearts amongst these people'. He takes a good deal of pleasure in calling some of us communalists, he hates the Communists, he despises people whom he calls the ex-rulers—according to the Constitution of India which he has not attempted to read fully they are still rulers and not ex-rulers—and he also hates all the Independents. I can assure him and the hon. Members sitting behind him that we are here in spite of the terrific machine which his party represents. We are here representing the loyalty and willing suffrage of not thousands, not hundreds of thousands, but millions of our fellowmen, who have elected us to this House of the People with the definite understanding that we should vote down this lawless Bill, unless some congent argument is put forward for the continuance, of this measure which is a disgrace on the statute book of India and which every lawyer in India worth his name knows has been disgracefully abused in its practical application in this country. I say this with the fullest sense of responsibility and I am prepared to prove it in any court of law. and before this House, that it has been abused. What is the good of the hon. Home Minister standing up and saying that it has never been used against political parties? It has been used in the past against political parties, and our suspicion is genuine, reasonable, and well grounded that it may be used against political parties. What is the use of saying that it is not meant for use against political parties when you extern under the Preventive Detention Act, the President of a big political organisation, and apply it against the General Secretary and practically against each and every member of the Working Committee of that organisation? I am sorry that I do not stand convinced by the arguments put forward by the hon. Home Minister. He has tried to oversimplify the whole issue, by referring to one or two articles in the Constitution and he just quoted one judgment in the Gopalan case, by the Supreme Court.

Jonab Amjad Ali: I rise to a point of order, Sir. I find one hon. Member —and possibly he happens to be an hon. Minister also—frequently going to the dais and whispering something to the Speaker. That takes away a certain amount of the dignity of the Chair as well as that of the House. This kind of thing, I have noticed not only today, Sir, but ever since the day I entered this House. I do not think it is in any way in keeping with the dignity of the House if he should continue in this fashion. I want your ruling on this point.

Mr. Speaker: I entirely concur with the hon. Member that apart from the question of dignity, the Chair should not be too often approached by hon. Members because it creates an impression in the minds of at least some hon. Members that the Chair is being instructed this way or that way. If it happens that a particular Member is called upon to speak, after the Whip or Leader of a party or the Member sees the Chair, it might create the impression that the instruction which was given is being followed, though there is nothing of that kind. But as it may not be possible to prohibit absolutely any approach, it should be very occasional and very very rare. Supposing, as it just happened, that there is a question of the sitting of the House and the timings, obviously such a thing cannot be done merely by chits, and it is no use the Chair being approached after the House is adjourned. I am just giving this as an illustration of the occasions when it may be necessary to approach the Chair. I entirely agree with the hon. Member that this practice should be discouraged and put an end to. I myself have told hon. Members that, if they want to have any communication with the Chair, they could send chits, instead of approaching the Chair very often.

Shri N. C. Chatterjee: I wish the Treasury Benches were more uptodate with constitutional developments both in India and outside. Of course when an old votary of Themis is lured away from the temple of justice and is elevated to the position of His Excellency and kept as such for years, he naturally in the midst of his diverse preoccupations and good many useful or ceremonial functions is apt to get out of touch with jurisprudence which in the modern world is not static but dynamic. The hon. Minister has referred us to the fact that in the Constitution of India, freedom from preventive detention is not a guaranteed fundamental right. He says that article 22 has provided for preventive detention. I am amazed at such a statement. I can give you instances of countries like England where there are no fundamental rights. There are no guaranteed rights in the British Constitution. But what is the law there? Can you have this kind of statute on the Statute book? Never in the history of Britain, will such a thing be allowed. Even when the battle of Britain had begun, even when France had fallen, and Belgium had been run over, Flanders had been occupied, Dunkirk had been captured and there was daily and hourly bombing of London and other areas, England had never had such a drastic

[Shri N. C. Chatterjee]

piece of legislation as we are being called upon to enact today. Never did they have such a law as this, and I say this with the fullest sense of responsibility. The Defence of Realm Regulation—Regulation 18B—was confined only to certain occasions. One was the time of war. Never during peace time has any democratic country in the world resorted to such legislation. It was confined only to wartime. And secondly, this discretionary power was vested in the Home Minister and not anybody else. It was left to the subjective satisfaction of a responsible Cabinet Minister, and not to a Tom, Dick, Harry or a district magistrate. We know how district magistrates have behaved in this country. We know how the grounds have been cooked up, how facts have been distorted in case after case; not in dozens or scores of cases, but in hundreds of cases the Supreme Court and the different High Courts, in spite of the limitations of their power, in spite of the limited authority given to them under this Preventive Detention Act, have held that there has been an abuse of power, that the grounds have been *mala fide* and that the power has not been exercised in a *bona fide* manner by the police or the executive.

Take, for instance, the case of Prof. Ram Singh, to which my learned friend Dr. Krishnaswamy, was referring. My learned friend intervened and said: "Are you reading the dissentient judgment of Mr. Justice Bose?" I did not expect it of a veteran lawyer like Dr. Katju. Remember the greatest judgments in the world of jurisprudence are dissentient judgments. Go to the courts in America. You will find the dissentient judgments of Justice Holmes, Justice Brandies, Justice Cardozo going down in the history of jurisprudence and the history of human liberty as the greatest landmarks. Go to England. In the constitutional development of England, you will find that the dissentient judgment of Lord Shaw is quoted in every court, in every country, by every person who believes in freedom. Read the great dissentient judgment of Lord Atkin in the Liversidge case which is quoted as a great contribution to jurisprudence. But I am not thinking of that. What did the Supreme Court say, the majority say: "The conduct is regrettable. We are powerless, as the statute stands; we cannot do anything." As the statute stands, although the grounds may be wrong, although the grounds may be false, they have held that the grounds are not justiciable.

[MR. DEPUTY-SPEAKER *in the Chair*]

What is the good of the hon. Dr. Katju standing up on the floor of this House and saying: "Believe the police, believe the magistrate. Why should the police concoct any shorthand report?" What was Prof. Ram Singh doing? He was possibly lecturing in some college on a particular day. On the same day he delivered a speech in the Delhi Municipality also as he was its Vice-President and as a public worker he addressed some meetings, and the grounds were: "You were delivering speeches likely to imperil public safety". For God's sake, tell us, you are referring to which speech? Where did I deliver the speech? Which portion of the particular speech is objectionable? Just tell me that. Not one word in spite of the efficiency of the police —an efficiency that Dr. Katju has now discovered and I congratulate him on the discovery of this new fact—although the Supreme Court was also saying: "It is only fair, it is only right, it is only proper before you put a man behind the prison bars, you should give him some opportunity of saying what is the speech he delivered, which portion of it, giving a gist of the speech". Nothing was given. Mr. Justice Bose said that that kind of detention was illegal. Other Judges said in effect: "It is very unsatisfactory, very undesirable, but we are powerless; we cannot do anything".

Shri N. P. Nathwani: Will the hon. Member point out from the judgment of the case passages wherein the Judges observed to that effect?

Shri N. C. Chatterjee: I have not here all the books. I can give my learned friend any reference he likes. I will read to you the case of Mr. Asutosh Lahiri. Mr. Lahiri came here in Delhi in the month of March 1950. He was here for a few days. He attended a Press conference on the 27th March and then went back to Calcutta. At that time, Sir, you know the East Bengal carnage had started and thousands and thousands of refugees, displaced and homeless, were coming into West Bengal and there was a terrible tragedy. Lahiri as a man who was representing some East Bengal constituency in the old Legislative Assembly was doing relief work. The Chief Minister of my province, Dr. Bidhan Chandra Roy, knows that he was doing his best to rehabilitate the poor people. In this work he was cooperating wholeheartedly with the Government and the executive authorities. Do you know, Sir, when he came back a little later, I think on the 30th of March, immediately he came to attend the Working Committee meeting at

8.45 P.M., a detention order dated 31st March was served on him? Do you know, Sir, what are the grounds? I am reading from the Supreme Court Judgment, not a minority judgment. There was no minority judgment. Both the Judges, Mr. Justice S. R. Das and Mr. Justice Mukerjee, said practically the same thing:

> "You came to Delhi on March 27, 1950, and held a Press conference in which you gave a highly exaggerated version of happenings in Bengal and East Bengal. It is understood that since after the Press conference your activities have continued to be of a nature inciting communal passions. It has also come to notice that your activities during your stay in West Bengal had also been of a communal nature. Your activities in the present atmosphere in Delhi are likely to create hatred between different communities which may lead to disturbance of public peace and order."

10 A.M.

In an affidavit sworn by Mr. Lahiri it was put on record that on the 5th March 1950 when Pandit Jawaharlal Nehru, the Prime Minister of India, visited Calcutta there was a talk of organising a *hartal*, but Lahiri issued a statement deprecating such a movement and said it was very ill-advised and the *hartal* was called off. Since then in Delhi he had done nothing. Sir, you will be amazed to know that the district magistrate or whoever signed that detention order kept back from the Court, kept back from the world that this Press conference was banned by the authorities of Delhi and not one word of the Press Conference was given out to the public. Nobody in Delhi, nobody in India knew anything about it. The Judges said: "It is a very unfortunate thing". Justice Mukerjee said—I am reading a few words:

> "Legitimately doubt arises in one's mind as to the necessity or propriety of making use of the Preventive Detention Act against the petitioner. He is not an inhabitant of this place and does not normally carry on his activities in Delhi. He resides habitually in West Bengal and came to Delhi only to attend certain meetings. If as the District Magistrate thought, his presence at that time in Delhi might lead to some disturbance of communal peace there were ample powers under the ordinary law which he could exercise for the purpose of preventing the mis-chief. There are provisions in the Criminal Procedure Code which could be invoked for such purpose. As a matter of fact, persons who were expected to take a leading part in the same were externed from Delhi. It is difficult to see why a different treatment was meted out to the petitioner and he was consigned to detention in jail for an indefinite period of time. There could be no better proof of *mala fides* on the part of the executive authorities than a use of the extraordinary provisions contained in the Act for purposes for which ordinary law is quite sufficient."

This district magistrate knew, that in Delhi he had done nothing. The Supreme Court said that there could be no better proof of the *mala fide* use of executive authority than using the extraordinary provisions contained in the Act for purposes for which the ordinary law was quite sufficient. But they could not do anything, because the power of the courts was deliberately taken away. The Courts are powerless to give you relief and can do nothing about this kind of suspected *mala fide* use of power. Then Lahiri from jail wrote to Dr. Roy, the Chief Minister of West Bengal. "Did I do anything in West Bengal for which you wanted that I should be arrested and put in jail?" Dr. Roy wrote back and said: "You did nothing improper and the West Bengal Government never wanted you to be arrested by the Delhi authorities or anybody". We again moved the Supreme Court on that letter of Dr. Roy. You will be amazed to know the Supreme Court said: "That proves that the authorities were not acting *bona fide*, but we are powerless". You know, Sir, in case after case the courts have held the grounds are not justiciable. Even if somebody says that you, Sir, when you are presiding here, were in Madras today doing some illegal act prejudical to public safety. I cannot prove before the Supreme Court or any Court in India that this statement is not true, that it is a malicious falsehood, I cannot prove that. It is almost impossible to prove '*mala fides*' against a particular officer. Therefore, I cannot prove it. The Supreme Court said that this statement of Dr. Roy showed that it was a very very undesirable thing for the Delhi Government to have arrested him. Then he was released. This is the way this Act has been used. This is the way things have been going on.

You know, Sir, what has happened in some recent cases. Sardar Hukam Singh told you and told the House

[Shri N. C. Chatterjee]

about Prof. Deshpande's case. He was not here for several days. He was engaged in one of the most terrible electoral conflicts. You know, Sir, the Congress set up one of their strong candidates in Madhya Bharat in Gwalior-Shivpuri constituency bye-election. There is only one man in this House, one man in the House of the People, who was returned from two parliamentary constituencies. That is V. G. Deshpande. He had to resign one seat. He resigned the Gwalior-Shivpuri constituency and Dr. Khare stood there. The Congress set up a very powerful candidate. Mr. Deshpande had to go down—he is now in the House—he went down, he was actually in the midst of a most terrible electoral fight. Actually polling was going on during seven days, I think from the 20th to the 26th, and he was not here at all, he had nothing to do with the troubles, with the demonstrations and with the *tamashas* that were going on in Delhi. As a matter of fact, at that point of time the polling was going on in the interior of the district and he knew nothing of what was happening here. He came here on the 26th morning. From the railway station he came to this House to participate in the proceedings, in the evening he addressed a meeting, and the next day in the early morning he is detained. What are the grounds? The grounds are, "You have been organising and instigating the processions, demonstrations and all the troubles that were going on in Delhi". That is not true, it is a patent falsehood. The Home Minister should stand up and apologise for this kind of falsehood which his police, which his efficient police, which his uncorrupt police, his incorruptible police are trotting out against Members of this House. Not only that. That meeting was made one of the pegs on which to hang the preventive detention order. Solemnly the district magistrate signed the order: "You, so-and-so, presided over the meeting held at the Diwan Hall where provocative speeches were made". To another person also he said, "You, so-and-so, presided over the meeting at the Diwan Hall on the evening of such-and-such a date.................."

The Minister of Home Affairs and States (Dr. Katju): Sir, I rise on a point of order and ask your ruling on whether all these references to particular cases are in order because if they are in order they might require a detailed answer, every one of them.

Dr. S. P. Mookerjee (Calcutta South-East): Only the posters which the hon. Minister saw in Gwalior were relevant—not the rulings from the judgments.

Dr. Katju: I rose to a point of order—you address me when I am addressing the Deputy-Speaker. The hon. Member is referring to particular cases, to particular statements. There is much to be said on the other side. It is not so very rosy and white as you paint it up here. (*Interruption*).

Mr. Deputy-Speaker: Any hon. Member has got a right to rise to a point of order. If I have a doubt and if other hon. Members think that their view must be expressed before the Chair gives a ruling, certainly I will allow them to speak and they are welcome to express their views. But if all hon. Members on the left side should immediately say there is no point of order I need not be in the Chair. Therefore, I request hon. Members to bear this in mind. This is a very contentious matter and any amount of heat will be generated even on an innocuous—I do not mean to say this Bill is innocuous—on an innocuous speech that might be made and therefore hon. Members will try to keep as cool as possible.

So far as this point of order is concerned, I feel that unless references to particular instances are made it will not be possible to prove that the Preventive Detention Act has not worked properly and therefore it ought not to be allowed to continue. But at the same time I would request hon. Members not to take any other hon. Member by surprise. Order, order. There are occasions when hon. Members can laugh. Now so far as this matter is concerned, I would urge upon hon. Members that whenever they want to make a detailed reference to any particular case they will give an intimation to the other side so that the Member concerned may come prepared. Of course, the hon. Minister will have ample time to reply and he will not be called upon to exercise his right of reply today. But whenever any hon. Member wants to make a reference to a particular case let him not take the other side by surprise, whether this side or that side.

I do not see that there is any irrelevance in this matter. Details can be referred to for the purpose of showing whether the Bill ought to be continued or ought not to be continued.

Dr. Katju: I only wanted a ruling on that point.

Dr. Rama Rao (Kakinada): Sir, may I know whether we will get a chance to speak or not?

Mr. Deputy-Speaker: Every hon. Member may honestly feel that he will get a chance to speak.

Shri S. S. More (Sholapur): Can I seek some further information from you, Sir? Supposing in the course of developing a particular argument I suddenly refer to a particular case of which an intimation has not been given to the hon. Minister on the other side, will my reference be out of order?

Mr. Deputy-Speaker: There are exceptions. The hon. Member is aware that when on the spur of the moment he comes by a particular incident and refers to it I will certainly allow the other side to take some time and reply.

Dr. S. P. Mookerjee: That will apply to the hon. Minister also. When long references were made to the Saurashtra cases of which we knew nothing we got no previous notice and had no opportunity of verifying them. So, are you suggesting that in all cases that are going to be referred to the other side should be informed? Will any general circular be issued? How else will Members know?

Mr. Deputy-Speaker: It is no good making any observations which make it look so ridiculous. I would only say wherever it is necessary and is possible. Should we mention in this House a series of references to particular facts and allow them to go unchallenged? I would not cut down the right of speech, but in cases where the incidents quoted are considered to be bad but true and may show that this Bill ought not to be continued for any length of time, there it is the Government that has to explain and all notice should be given to the Government. So far as the Government is concerned, it comes forward with the Bill, it starts the motion, and all hon. Members have sufficient time to study the facts. Members come from all parts of the country—it is not as if one area alone is represented here. When reference was made to the incidents in Saurashtra we should remember that Members from Saurashtra are here who have intimate knowledge of the facts. But it may not be so as far as the hon. Minister who deals with the whole of India is concerned. Hon. Members will appreciate this difficulty. It is not as if I would like to shut out discussion on any particular matter—on the other hand I am anxious to see that nobody is taken by surprise, not that one view alone, whether right or wrong, should prevail and carry conviction in the rest of the country at large.

Dr. Katju: Sir, on a point of order. I have no objection whatsoever to any Member reading extracts from judgments but the point of order on which I would ask your ruling is whether it is open to anyone to make attacks on the veracity or proper conduct of any officer who is not here to defend himself, in a case which has not gone to court.

Mr. Deputy-Speaker: It is not as if every case goes to a court of law and there is a judgment. Therefore, if certain allegations are made against particular officers concerned, it is open to the hon. Minister who is in charge of all the officials in this country to safeguard their interests.

Shri N. C. Chatterjee: I had made the suggestion with due humility that our law should be put on the same level at least, if you want to have this kind of preventive detention, as Regulation 18B, and no one but the Home Minister either of India or of the State concerned should be given this wide discretionary power of detaining any person in jail without trial, without formulation of a real charge, without an opportunity of being heard in defence. Dr. Katju says, "I do not understand his point". I wish he had read the classical judgment of Lord Macmillan in the Liversidge case. In that case the great law Lord said:

"The statute..."

that is, the English Defence Regulation 18B,—

> "...has authorised the discretion to be conferred on a Secretary of State, one of the high officers of State, who, by reason of his position, is entitled to public confidence in his capacity and integrity, who is answerable to Parliament for his conduct in office and who has access to exclusive sources of information. Wide discretionary power has been confided to one who has high authority and grave responsibility."

Every Law Lord in England—and it was one of the strongest Benches in the House of Lords—laid special emphasis on this aspect as a desirable safeguard in eliminating possible abuse. Sir John Anderson was the Home Secretary, and he was one of our ex-Governors. It is an irony of fate that our ex-Governors are promoted or demoted to the position of Home Ministers and then they come up with this kind of legislation a little later in life. We the people of

[Shri N. C. Chatterjee]

Bengal will have to think twice before we allow any potential Home Minister to climb up to the provincial *gadi* any more. I would not use strong words, but I would humbly submit that it is no use referring to one judgment in Gopalan's case. Article 22 of the Constitution is a blot on democracy. It is a disgrace to our Constitution. The sooner it is removed, the better. Even if it is not removed, and even knowing full well that it is there and that Praliament has got the power under the Constitution to enact such a law, I ask you: Should you enact this law? Go to England or America. I would confine myself to the two countries to which my hon. friend referred—England and America. He said we were familiar only with the jurisprudence and law prevailing in England and the United States of America. Let us confine our attention to those two countries.

In England, there is no guaranteed freedom. There is no fundamental right. But you know well that there is no country in the world where personal liberty is so much cherished, and what is personal liberty? The great Dicey says:

> "'Personal liberty' means (i) that physical restraint of an individual may be justified only on the ground that he has been *accused* of some *offence* and must be brought before the court to stand his *trial*, or (ii) that he has been *convicted* of some offence and must suffer imprisonment for it."

What is the law in the United States of America? The great Jurist Willoughby has said quoting a judgment of the Supreme Court which accepted the argument of Webster, the greatest lawyer that America has produced, in the well-known Dartmouth case:

> "It is not every Act which is legislative in form that is law. Law is something more than a mere will exerted as an act of power. Law means that which hears before it condemns, which proceeds upon enquiry and renders judgment only after trial. The meaning is that every citizen shall hold his life or liberty under the protection of the general rules which govern society."

In England and America the cardinal principles of civilised society and the essential postulates which inhere in every civilised society and in every form of democrarcy are: *audi alteram partem*. No man shall be condemned unheard. That law which infringes this cardinal maxim is a "lawless" law. A great American judge has said:

> "It is a rule as old as the law, and never more to be respected than now, that no one shall be personally bound until he has had his say in court, by which is meant, until he has been duly cited to appear, and has been afforded an opportunity to be heard. Judgment without such citation and opportunity to be heard wants all the attributes of a judicial determination: it is judicial usurpatoin and oppression and can never be upheld where justice is justly administered."

In the Preamble to our Constitution, we say "We are constituting a Republic of India *inter alia* for justice. ." If you want really that justice should be justly administered, then you would not give your imprimatur to this kind of legislation.

The hon. Minister referred to one judgment in Gopalan's case. I will quote to him from two judgments in the same case. One is from a dissenting judgment and the other is from a majority judgment. Mr. Justice Mahajan said in Gopalan's case:

> "Preventive Detention laws are repugnant to democratic constitutions and they cannot be found to exist in any of the democratic countries of the world."

Then Mr. Justice Mukherjea said—and remember, his was not a minority judgment but a majority judgment:

> "Detention in such form is unknown in America. It was resorted to in England only during war time but no country in the world that I am aware of has made this an integral part of their Constitution as has been done in India. This is undoubtedly unfortunate...and it cannot but be regarded as a most unwholesome encroachment upon the liberties of the people."

After Gopalan's case, Professor Schwartz, one of the greatest American lawyers, contributed an article to the *Indian Law Review*. It is possible that Dr. Katju may remember it. When he was Governor of Bengal, he used to take a keen interest in this legal journal which had been started in Calcutta by the members of the Bar.

Dr. Katju: I have given up reading law reports.

Shri N. C. Chatterjee: Then I am sorry for India and for the Treasury Bench. This passage is most inconvenient, but we did present him with it. The heading of Professor Schwartz's article was "Comparative view of Gopalan's case" and Professor Schwartz is one of the greatest Jurists in the world in Comparative Jurisprudence. His language was:

> "No such law exists in the United States of America or in England in time of peace."

I call this legislation a "lawless law" because it militates against certain fundamental principles of justice which inhere in every civilised system of law and which are at the root of it. As practical men, we have got to remember that liberty may be controlled or regulated when the country is faced with danger of foreign invasion or when there is risk of national enslavement. With the greatest respect to my hon. friend the Home Minister, I must submit that there is no such danger in India today. We must remember that. What was the most glorious chapter, what was the greatest chapter, in the history of Indian freedom? It was the protest of Mahatma Gandhi and the Congress against the Rowlatt Act. Why was the Punjab plunged into anarchy and disaster? Why did the Jalianwala Bagh massacre take place? Why were human lives lost in the streets of Delhi, Bombay, Calcutta and other parts of India during the great *satyagraha* movement which Gandhiji started as a protest against the Rowlatt Act? Why? What was that Act? That Act was nothing but a Preventive Detention Act, which enabled the executive at its sweet will to deprive a citizen of his liberty and to detain him without trial and without proper hearing. The then British Viceroy appealed to Mahatma Gandhi, and told him, "Look at the Rowlatt Report". What was the Rowlatt Report? One of the greatest judges of England was brought out to this country and a strong Committee found that "there was an organised terrorist movement in this country". People were being shot down in Bengal, Maharashtra and the Punjab. We are today worshipping the memory of those martyrs, the great pioneers of Indian freedom. We celebrate *Shaheed* Day year after year to commemorate their hallowed and sacred memory. That is why they had this Rowlatt Act. Mahatma Gandhi said, "I have read the report. It drives me to the opposite conclusion". He said that in this country of over thirty crores of human beings, a handful of terrorists working here and there did not provide a justification for placing on the statute book the Rowlatt Act which was a Preventive Detention Act and which put the life and liberty of every man in the country at the mercy of the executive and the police. Is not the position just the same today? You talk of little troubles here and there. What was your Government doing in Saurashtra? It was an inefficient and incapable Ministry. The Ministers were fighting amongst themselves. They were absolutely unfit. They ought to have been thrown out of office. You had the Preventive Detention Act these years and why was it not applied there?

You cannot rule India by the Preventive Detention Act. I am appealing to my hon. friends opposite; I am appealing to the Members of the Government; I am appealing to the Prime Minister and the Home Minister: Remember, the State must shed the old notion of being a real despot who can enact any laws it likes. The old conception of law that it is a command from a political superior to a political inferior has gone long ago. What is the good of trotting out these little points like my hon. friend seeing some posters in Madhya Pradesh during the elections? I never expected this kind of argument from my hon. friend.

Throughout India 16 crores of people were put on the electoral rolls; a good portion of them participated in the General Elections—the biggest experiment in human history, in democratic system, has proved a success. Neither at the instance of the Congress nor at the instance of the Communists, nor at the instance of the so-called communalists has there been anywhere organised violence, or goondaism which disturbed the electoral machine. Nothing of the sort happened and all parties are now working constitutionally.

Today I appeal to my hon. friend to realise that the time has come for a reorientation of policy; the time has come when he has got to remember that you can get the best out of a citizen and the individual not by way of fear of punishment. That old concept has gone. You can never evoke that real loyalty, that real allegiance, that real enthusiasm which will enable the individual to contribute his best to the making up of the State if you simply threaten him with punishment. I appeal to them to drop this unwanted measure.

[Shri N. C. Chatterjee]

Nothing has happened in India today which justifies the continuance of this kind of measure. Let them drop it. You have dropped controls. You are experimenting with decontrol. Why do you not decontrol liberty and give up repression for heaven's sake and see how India is run. At the end of six months if the country behaves badly, if there is any portion which demonstrates the necessity of these repressive laws, you can come here. In fact you have got the majority and can enact any law you like at any moment, at any time, at any period. I have seen standing in the corridors of the Supreme Court day after day persons detained under the Preventive Detention Act being brought up on *habeas corpus* applications presented to the Judges of the Supreme Court. It was a dismal sight—hundreds and hundreds of intelligent young men being brought up. I saw Mr. Gopalan there pleading his own case. It was a great tragedy, a poignant tragedy. Some of them, possibly most of them, were old Congressmen; some of them had broken the law in obedience to the mandate of Gandhiji and the call of the Congress and had suffered incarceration times without number. And in independent India they are rotting in jails not for days, not for weeks or months, but for years. It is a great disaster. I want to save India from this disaster. I saw hatred on their faces. I saw that that hatred was not merely infecting them, but infecting their friends and families.

I appeal to my hon. friends to remember that the old concept of State has changed. A State must not only administer laws, but also prove the legality of its laws—legality in the proper sense. I appeal to my hon. friends to remember that there is danger inherent in every democratic form of Government; that there is danger inherent in every system of administration.

I say with all humility and earnestness that repression brings hate and that hate menaces all stable government. I want the Government of this country to be stable, whether it is in your hands or anyone else's hands. The greatest menace to human freedom is this kind of frustration, this kind of suppression, this kind of feeling that you are not getting justice. This is a great calamity and I appeal to my hon. friend to drop this measure and not to go on with this Bill. Give India a chance; give the impulsive youth of India a chance and see what happens. I hope that the experiment will be a great success; that it will be in keeping with the cherished principles which the Congress had been preaching. Congress wanted freedom; people wanted liberty—freedom from what? from political bondage for the fulfilment of the human personality. That fulfilment is being impeded if you have a measure of this kind on the statute book

I appeal again for forbearance, for patience, for consideration in the context of things today. I hope that my appeal will have some response.

Shri D. D. Pant (Almora Distt.—North East): I had thought that I should not open my lips in this session of Parliament, simply for this reason that last year Mr. Speaker had said that every minute of Parliament costs the exchequer Rs. 60 and since the number of Members in the present Parliament has gone up, perhaps, it might cost Rs. 100 per minute. In these circumstances, Sir, I thought that unless I was provoked to speak, I should not open my lips.

As the Members of the old Parliament would know, I used to raise objection to the Preventive Detention Act. During the time of Mr. Rajagopalachari, I extracted from him a promise that the Bill would be properly administered. I had then made it quite clear that so far as the principle of the preventive detention went, it was a very salutary one and I think it was by some stroke of genius that it was embodied in article 22 of the Constitution.

The objection to the Preventive Detention Act has mainly come from two quarters: from the communalists and the Communists. (*Some Hon. Members*: No, no.) [I would ask my hon. friends not to lose their patience. It is enough that they have lost in votes.]

So far as the communalists are concerned, I will first deal with one point that my hon. friend Dr. Shyama Prasad Mookerjee raised the other day. He said that nowhere in the world is there such an Act. May I respectfully ask him in which part of the world there is a situation like the one prevailing in India today? In which part of the world there is a man who gifted with the art of oratory does not use it in the interest of peace, but for provoking ideas which have no meaning? May I ask him in which part of the world was the creator of freedom killed as it was done in India? These are certain questions that I put to him.

I then come to Mr. Chatterjee's arguments. He said that in England, which is a democratic country, there is no Preventive Detention Act. But may I ask him: are there communalists in England? In England, if a girl wants to marry a young man of her choice is she prevented from doing so? —as happened here, where people are not able to exercise their civil liberties on account of the activities of communalists. Let him answer these questions?

Shri V. G. Deshpande (Guna): King Edward VIII was required to abdicate his throne for this reason.

Shri D. D. Pant: Mr. Chatterjee said that he was here in spite of the Congress. May I tell him that he is here on sufferance. If the great organisation wanted to exterminate its enemies, it could do so. I will point out to him the greatest example of Russian revolution. There, the Constitution was given and elections were held 20 years after the revolution. It was only in this country that within two and a half years of the framing of the Constitution, elections were held on adult suffrage. Take China. Is there any democratic Constitution there even now? If we had followed that policy we would have destroyed all the opponents of democratic progress like vermin, as was done in other countries. So that argument does not at all hold. To his saying that in England it is not like that, may I just ask which other country has killed both its King and its Archbishop as they have done in England? Different countries have different kinds of genius. (*Interruption*).

Mr. Deputy-Speaker: Order, order. Let there be no running commentary. I would appeal to hon. Members not to indulge in running commentaries. I try as far as possible to see that there is no interruption when any hon. Member goes on on this side. The same thing must apply when any hon. Member from the other side speaks.

Dr. S. P. Mookerjee: The only thing is that he may not make his speech in the form of so many questions.

Mr. Deputy-Speaker: It is one way. Each hon. Member chooses his own form of presentation. It is not expected, however, that those questions should be answered immediately.

Dr. S. P. Mookerjee: Or answered at all!

Shri D. D. Pant: If my hon. friend wants that we should have also created democracy like some of those other countries have done we could do it. And let me tell him that in that case it would not have been possible for him to come here and oppose this Bill in this manner.

It is with the greatest sincerity that this measure has been enacted. My first acquaintance with the preventive detention law is as early as when I was a child. I was one of the rowdiest ones in the family and the only way to control me was preventive detention. My servants had been ordered by my father—I had lost my mother at the age of two—that whenever I was rowdy and created mischief the only thing to do with me was to take me and lock me up in a room. And I tell my friends that this is the only non-violent way of dealing with such a person. I also tell them that if I had not been locked up, probably I would not be existing now, because I would have gone up the roofs and set fire to the hay stacks of the villagers. What other way was there to stop me from doing all these things? If, as my friends say, my father had behaved as they behave in a particular State, probably the only alternative would have been to liquidate me completely. If they want that choice that is always open to them. But so far as this Government is concerned—this Government which is so much imbued with the ideas of Mahatma Gandhi and the ideas of non-violence—the only way in which I believe it can deal with the mischievous people here is to lock them up and give them a chance of improving, rather than liquidating them and destroying them like vermin as is done in some other countries.

So far as its administration goes, I respectfully submit that there may be certain defects in the administration. They can and must be removed. My friend Mr. Hiren Mukerjee quoted about five or six cases. What are five or six cases where you have to deal with a population of 350 million? I would respectfully ask him, what are those five cases?

Shri H. N. Mukerjee (Calcutta North-East): I will quote five hundred.

Shri D. D. Pant: I can still feel the pain when my servants used to press my arm and if I cried when they were doing it, not even my sisters—of a motherless child !—were prepared to believe me and come to my help. Because I used to hit him with stones whenever there was an opportunity, and whenever he had his time he used to do like that. So if the gentlemen can behave properly with the administrative machinery, so far as the enforcement goes, it will not be so troublesome. After all, we have got a welfare State here and we must find

[Shri D. D. Pant]

out a method of dealing with naughty children. What do they want? What else do they want? The only way to deal with them is the Preventive Detention Act, nothing else.

As for the Communists, I will say that the Communist Party is a baby party; it is still a political child in India. They are rowdy, and behave in that manner. But I tell them that if we adopt towards them a method as they do in other countries it will not be proper. I myself have been a student of Communism and still continue to be one. And if there is any Communism by which one does not mean Russianism or any other ism, I am a Communist. And I want Communism to grow in this country. But I do not want it to be imposed. Communism can never be imposed. I am one of the greatest admirers of the Russian Revolution and the methods they used. Probably they could not use any other methods. The history of Russia is there, the history of violence in Europe is there. Probably no other method could be used. But so far as my country is concerned, let me tell my friends that we do not take them as enemies. We take them as political babes who have just come out and who want to achieve a revolution in a day, and when they are stopped from doing mischief they cry and kick like babies. If they want to achieve revolution they will have to revise the methods of bringing Communism in India, and instead of obstructing this Parliament, and making it spend so much money by speaking for long hours on anything and everything that the Government brings forward, they will be better advised to co-operate with the Government. If they have patience and grow intellectually, morally and politically, they will have Communism in this country of course of the Indian type. Everybody wants Communism, but it should be achieved in a proper non-violent manner.

Pandit A. R. Shastri (Azamgarh Distt.—East *cum* Ballia Distt.—West) Nobody wants.

Shri D. D. Pant: I do not think we are committing any crime or that any Bill is being passed here which has not been passed in any other country. Our conditions are entirely different and our way of dealing with things is entirely different. I believe that just as in every family there is a preventive detention law for the rowdy child, we must also have today, for the country such an Act in respect of people who, if we do not detain them, will go and take away the civil liberties of others and will not allow the others to exercise their civil liberties. So, in the interests of freedom and civil liberty itself it is necessary that we should have an Act like this in this country.

Shri A. K. Gopalan (Cannanore): I do not want to go in detail into the question of the Preventive Detention Act and the constitutional issues that are involved in it, because when I read the proceedings of the House the other day I found the hon. the Home Minister saying that I could not quote chapters from the judgment of the Supreme Court. So I do not want to quote anything that was said in the judgment. I only want to say that as far as I was concerned, ever since the preventive detention law was in operation—whether it came in the form of the Preventive Detention Act, or the Public Security Act, or the Maintenance of Public Order Act, or the Defence of India Act—I was a victim of this preventive detention from 1941 till 1951. What were the grounds of detention that were given to me in 1941? The hon. the Home Minister was saying the other day that in 1941 we were helping the Government. When we were 'helping' the Government, two thousand of our comrades were in jail, and I was also put in jail in 1941. I was free only in 1945. In 1947 I was detained and I was released only in 1951. The number of the detention orders that were served on me from 1947 to 1951 inside the jail—I have got copies of all those detention orders—was not one or two: it was five. So, from 1947 to 1951, continuously, inside the jail, five or six detention orders were served on me. I also want to show that the Preventive Detention Act had been used not only in my case but in the case of other persons also. It is a lawless law. It is flouting the opinion of the Judges, it is flouting the Criminal Procedure Code and it is flouting all other Acts and laws that exist in the country today.

First of all it is quite essential that this Bill should be circulated to elicit public opinion. I place on the Table of the House some comments sent by the Advocates in Bengal. About 300 of them sent a petition saying that this Bill should not be extended. From Bombay some 300 advocates have sent a representation and other petitions are there. I do not want to read them as it would take a long time. I place them on the Table of the House. I only want to say that as far as we know there is considerable opinion in the country that the Preventive Detention Act should not be there because there are other provisions in the law by which anybody who commits a crime or who is committing a crime or who has already committed a crime, who is abetting a crime or is preparing for a crime—all the categories of people can be punished and convicted and they can be given an opportunity to prove whether they are innocent or not. On the basis of that I want to show how from 1947 onwards the Preventive Detention Act has been used.

It has been said by an hon. Member that only five cases were shown. I have with me not five cases but about 35 or 40 cases of detention orders and if it is necessary, I will be able to show that at least 95 per cent. of the cases of persons detained under the Preventive Detention Act or the Public Security Act are such that on the very grounds of detention that had been served on them, there is nothing to warrant their detention or arrest.

I want to say only one word about the hon. Minister who referred the other day about the elections in the country, of how freedom was given to fight in the elections and how the elections were conducted. I only want to remind the hon. Minister that we the Communist Party in Travancore and Cochin along with 60 other organizations were banned. Fifteen of the leaders are inside Parliament here and others are inside Legislative Assembly in Travancore-Cochin. Fifteen persons were released by the order of the Supreme Court and a little later they were having a convention to consider about the elections whether they should take part in the elections or not and they were detained by the Government on the ground that they were holding a meeting and they were released only after the elections were over. As far as elections in Travancore and Cochin and other parts of the country are concerned, I may say that all those who were released were not allowed to contest the elections. I was released in 1951 and I went to Travancore and Cochin and I wanted to do propaganda for the election. I was not allowed to enter that place and I was not allowed to hold any public meeting there. As far as Hyderabad was concerned, I went there and found that other parties were doing propaganda and I requested the district magistrate to let me speak. I also told him that if necessary, I would be able to send a copy of the speech in advance so that he might know that I was only talking about the elections, of what we are doing about the elections, but I was not allowed to speak there. I do not wish to go into details on this question. Section 3 of the Act reads as follows:

> "The Central Government or the State Government may—
>
> (a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to—
>
> (ii) the security of the State or the maintenance of public order,
>
> (b) if satisfied with respect to any person who is a foreigner within the meaning of the Foreigners Act, 1946..."

According to section 3 there are two conditions. The man who is making the order must be satisfied that there is something that a man is doing or is about to do and he must prevent him from doing that act and also he must be satisfied that the Preventive Detention Act is necessary in order to prevent that man from doing that. He must satisfy himself whether the Preventive detention order under section 3 must be made or not, so that the man may be prevented from acting in a manner prejudicial to the security of the State or the maintenance of law and order. In my own case what are the grounds of detention? I made a speech. Supposing I am going to make a speech or I am speaking something, if the district magistrate thinks that my speech is against the security of the State and the maintenance of public order, then in order to prevent me from doing that detention under the preventive detention order is not necessary. There are two ways of preventing it according to the Cr. P. C. One is to issue an order under section 144 asking me not to make any speech. According to section 3 the man who makes the order should be satisfied that there is a danger and it must be prevented. He must also be satisfied that in order to prevent that danger the use of the Preventive Detention Act is necessary and then only according to section 3 the Act must be used.

As far as the preventive detentions are concerned, I have said before how the Act has been used. I have already stated before you that I was arrested in January 1947 under the Maintenance of Public Order Act. I was released in 1947 in the month of October and in December 1947 I was

[Shri A. K. Gopalan]

again arrested not under the Maintenance of Public Order Act but under some other law. Charges of abetment and other things were framed against me and I was arrested and kept inside the jail as an under-trial prisoner. The grounds of detention were that I was speaking on 23-1-1947, I was speaking at another place on 3-11-1947: I was speaking at Tellicherry on 18-11-1947, I was speaking at another place on 24-11-1947, 5-12-1947, 15-12-1947 and all the speeches were quoted by the police. It was an ordinary police man who took down my speeches and some of these were false. When I had been detained in 1941 by the British Government they said that in 1936 I had taken part in the Congress movement and I might act prejudicially to the public safety but here on the 23rd February 1951 I was detained on grounds of detention which an hon. Member said was a non-violent act and a non-violent order. The grounds for detention are: He was bound over under section 109 Cr. P. C., and sent to jail on 17-12-1936 for a period of nine months. It was under different Acts in 1936 that I was bound over for good behaviour and sent to jail. During the first election I was a Congressman and I was going to the villages and speaking there. It was just before the elections in 1937 that the British Government said that I was creating confusion, that I was going about and doing propaganda for the first election and on that basis I was bound over in 1936. But I cannot imagine the Congress Government in 1951 saying that in 1936 on such and such a date you had been bound over for good behaviour and so in 1951, you shall be detained. Even when this case was brought before the Supreme Court Mr. Justice Mahajan asked the Advocate General of Madras the following questions: How is it relevant that Mr. A. K. Gopalan is detained who was a congressman and who was convicted in 1937 for charges of fighting against the British Government which action is considered to be patriotic by those persons who had been fighting then and are in power today? Whatever other charges may be, how can you bring the charge that in 1936 he was detained for a certain reason and in another case in 1941 and therefore he must be detained in 1951? What are the grounds against him in 1951? The grounds are summarized and from this you can understand what they were. Here it is stated: Mr. A. K. Gopalan: the main grounds of detention are: 1947—ex-president of the Kerala Congress Committee; resigned from the Congress Party; stood as a Communist candidate in Calicut general constituency and a security bond was taken during election. Collected Rs. 8000 for Communist Party funds—collected funds for Desabhimani; demanded enquiry into corrupt officials and black-marketeers: condemned Congress people for running after jobs; regretted the independence of 1947 did not bring any benefit to the common people; vehemently attacked the jenmis—asked the Government to distribute the fallow lands to toddy tappers—condemned MSP atrocities; has been connected with several political cases. In NGO's strike in 1946, he stated that the NGOs were as patriotic as Congressmen but they wanted living wages only.

In 1947, I was detained.

Mr. Deputy-Speaker: It is only a short sketch of the hon. Member's activities.

Shri A. K. Gopalan: Yes; it is a short sketch of the activities of the Member. These are the reasons for my detention. I only wanted to know how these activities, such as attacking black-marketeers and others could be against the security of the State and maintenance of public order. I only wanted to know on which date I was the ex-president of the Kerala Congress Committee. That very sentence has been used in the detention order. The Home Minister said today that I am acting against the security of the State and maintenance of public order. I would not have been sorry if I had been hanged for saying something. But, here is a detention order which says, whatever it may be today, that I had been a Congressman and ex-president of the Kerala Congress Committee in 1947. In 1951, when I am sought to be detained, there must be fresh reasons. If there are no fresh reasons, certainly, they can proceed with the cases against me. There were three cases against me. I am not going to refer to other cases. I only wanted to show that I was detained under section 3 not because I was acting in a manner prejudicial to public safety. The authorities who could arrest me understood that I was going to make speeches, and so they thought I should be stopped from making speeches. There was an offence already committed. I had made three speeches already and in those speeches I had said something which was an offence. Then. I was arrested. There were three cases against me. I appealed to the High Court on 17-12-1947. I asked the sessions court; but the sessions court did not release me. So, I went to the High Court and asked the High Court that I must be given an opportunity to conduct my cases and as they were bailable offences, I must be released. When I was released on 11-2-1948......

Shri R. G. Dubey (Bijapur North): On a point of order, Sir. The hon. Member has already taken 30 minutes and he is narrating his life history. Are we expected to be listening to the life history of the hon. Member......

Shri Chattopadhyaya (Vijayavada): On a point of submission, Sir, Mr. Gopalan's case is very important and it sums up the exquisite generosity of the Detention Act. So, we should like to know something about it.

Mr. Deputy-Speaker: There is no point of order in this. Hon. Members need not instruct me. Whenever a point of order is raised, they will kindly allow me to give my ruling in the matter. If ever I have a doubt I shall ask the hon. Members about it. I have this doubt in this case. The hon. Member is reading out a number of orders passed against him. They will be very useful; very relevant. But, the difficulty arises this way. As against this, it will be open to the other side to refute this and say, this hon. Member is wrong; he has done this, has done that. What is passing in my mind is this. We go on referring to the orders. So far as the Preventive Detention Act is concerned, the points can be supported by reference to other cases. The question is whether it would be relevant to make an issue of the conduct of an hon. Member. It may lead to countercharges and then it will be inconvenient for us to look into the matter. Therefore, advisedly the rules say, there ought to be no attack on an hon. Member. If an hon. Member says that he has been unlawfully attacked, the other hon. Member will certainly try to justify his conduct or justify his acts. It may be said that he was a Congressman once, now he has become a Communist and so we are terribly afraid. These are arguments that can be raised in this House. The question is how it is desirable. If the hon. Member wants to proceed, I will allow him; but the other side also will be naturally expected to go into these details. So, I would like to have information.

11 A.M.

Shri A. K. Gopalan: It is not because of a desire to state all these things here that I am going into these details. It is only in this case that all kinds of irregularities have occurred. I do not know whether there is anywhere in the history of this country a case where a man had been regarded as a convicted detenu. I was a convicted detenu for about one year. That is the reason why I am quoting all these things. The High Court is the highest court to which one can go when he is convicted; when a person is convicted for six months, he cannot even go to the High Court. When it was said that I had been convicted for a certain crime, I appealed to the Government and said that I am now a convicted man and so there should be no detention order against me. They said that I was a convicted detenu. They issued an order of detention and said, 'you are now a convicted detenu.'

If necessary, I will go into other details. I wish also to say one thing. If anybody says that all these things are not correct, and attack me, I shall take it very pleasantly and I will not say anything further. As I told you, whenever the Preventive Detention Act came I had been outside only for two months or three months; I have always been inside the jail. In no other case of a detenu has a preventive detention order been served inside the jail for five times. I have got copies of the detention orders here. In my practical experience all these things are done.

As far as other cases are concerned, I have have got those figures also and I shall refer to them briefly. I wrote to the Government of Madras and I got the copies two days back. The first detention was on 5th February, 1947. The second was on 27th April 1948; The third was on 18th November 1948; the fourth was 17th February, 1950, the fifth on 22nd February 1951. The next order, I did not get because I was under arrest, and a case was going on. In all, there are seven detention orders. All these orders had been served when I was inside the jail. What I want to show is this. If it is the case that a man is going to act or is acting in a manner prejudicial to the security of the State or maintenance of public order, and the detaining authority has reason to understand that there is danger and there are no other provisions of law and therefore he must be arrested and prevented, I can understand preventive detention orders being passed. Not only that. There are judgments of the courts also where they have said that these detention orders are unlawful. I only wanted to refer briefly......

Shri R. G. Dubey: On a point of information, Sir....

Some Hon. Members: Order, order.

Shri R. G. Dubey: On a point of order, Sir. It is relevant...

Mr. Deputy-Speaker: Order, order, let there be any relevance. So long as the hon. Member is speaking and is trying to support his case by arguments, let there be no disturbance. The trend of the argument disappears. The hon. Member will kindly resume his seat.

Shri R. G. Dubey: May I submit, Sir,...

Mr. Deputy-Speaker: Order, order. So far as his information is concerned, he may kindly note it down and at the end of the hon. Member's speech, he can put the question. If the hon. Member is willing, he may answer: otherwise not. Let there be no interruption; let the hon. Member be allowed to go on.

Shri A. K. Gopalan: I am only saying certain things that happened and I have here the records; I am not saying anything else.

On 11-2-1948 I was released on bail subject to certain conditions, by the High Court. Before I had been released, on 6-3-1948, I was again arrested. I do not want to go into the details of other things because it will take a long time. Five cases were laid against me. My bail was cancelled and there was a case for forfeiture of security. I again filed a petition to the High Court saying that these were not correct. Again, the High Court ordered that the arrest was illegal, that I must be granted bail and that the forfeiture of security case should be proceeded with. I was given bail and three days time to go to Malabar and conduct the case. Then, an order under the Preventive Detention Act was served inside the jail saying that I was about to act or was acting in a manner prejudicial to public safety.

Justice Satyanarayana Rao and Justice Mack gave different judgments. One Judge stated that I must be released. The other Judge said that I must not be released. So, the case was referred to a third Judge, and he said on 18-11-1948, that it was only to defeat the bail that the detention order had been served. You cannot proceed against a man in two ways. If you want to detain him withdraw all the cases and detain him. Whatever the grounds, we do not question. Here is a man who had been arrested. At the time of his arrest, you did not think that he must be detained. You only wanted to proceed with some cases against him, and then a court of law said: we see no reason why bail should not be granted. Now, when bail was granted, another detention order was served inside the jail against me saying that I was likely to act in a manner prejudicial to public safety and so on. I do not want to quote the judgment. It is here.

Again, when the judgment on my *habeas corpus* petition came up when I was inside the jail, the same day another order was served saying that I was detained. So, the two orders, the cancellation of the detention order from the High Court, and the order of detention from the Madras Government came the same day, and they were both served on me, with only a difference of about half an hour. I even told them: If you want to detain me again, at least comply with the formality of releasing me, and when I am outside a free man, then you can serve on me the new detention order saying that I am likely to act in a manner prejudicial to public safety etc., and then bring me inside the jail. Even that was not done. After that the case was continued.

What I ask is: Why was the Preventive Detention Act used against me? Why is it used against everybody? Because, if a case is filed against anybody and there is no evidence for that, certainly when they go before the court, the person will be acquitted. In all the four cases that were preferred against me, I had been acquitted by the High Court, because the cases were such that there was no proof, and I could not be convicted.

Then, on 23-2-1949 when I was convicted for six months by the Sessions Court, I sent a petition to the Madras Government, and said: "This is not preventive detention; this is only punitive detention. So I should not be detained because I am convicted by a court of law for a certain offence. If you want to keep me in detention, you will have to release me first, and then detain me saying that I am likely to act in a manner prejudicial to public safety etc. Because I am convicted, I must be treated as a convict, and there must be no detention order against me" The reply which came after 15 days said I was a convicted detenu and that the Government was not going to cancel my detention order. There is a copy of that order in the Central Jail, Trichinopoly, and in the Central Jail, Cuddalore. I have not got the copies. The order said definitely that Government was not prepared to cancel the detention order, but was prepared to consider me as a convicted detenu. Then, I said: "I must be either a convict, or a detenu. How can I be both? Then, I must have facilities as a convict as also facilities as a detenu." The facilities of a detenu are different. Then, I fought for six months, and said: "If I am a convicted detenu, I must have the family allowance as a detenu. I must have the right to see everyone as a convict." So, I remained a convicted detenu for six months. That only shows that the detention and other sections of the law are mixed up and that the Government does not want to release persons.

In this period of four years of detention, I filed about 15 *habeas corpus* petitions. I used to file the petitions one after another. Some were dismissed, and others were allowed. Again in March, 1950, when I filed a petition before the Supreme Court, another preventive detention order was served on me. I do not want to go into details, because the validity of the Act was there. After that, in February, 1951, I filed another petition before the Madras High Court and the Madras High Court gave its judgment. Then the new Act of 1951 had been passed, but the President had not signed it. Before the judgment was delivered, the C.I.D. man was in the room. He had come to the Court and was ready with the fifth detention order. When he was called before the court, he admitted that he had been given the new detention order before the judgement was delivered. When the judgment was delivered and I went out, the police arrested me again, and contempt of court proceedings against the officer who detained me were pursued by the High Court. Afterwards, I also filed a petition.

Mr. Deputy-Speaker: The ordinary law, so far as the hon. Member is concerned, appears to have been ineffective.

Pandit A. R. Shastri: The whole thing is becoming too individual.

Shri A. K. Gopalan: I only want to say how can they serve a preventive detention or any order when the judgment is not delivered. When the executive officers do not know what the judgment is, how can they have the detention order ready? And when they served it on me immediately after my release, the Madras High Court had to summon the executive officers for contempt of court. When you are in jail, the detention order is served there inside the jail. When you are convicted, you are a convicted detenu. When you are released, you are again served with another detention order. This only shows how the Detention Act is being used.

I will not again go into the grounds in my case, but I want to show some of the grounds which had been given against persons who had been detained. A news item appeared in the *Hindustan Standard* as under:

> "Simla, July 2—An innocent person found himself cooped up in a jail at Jhabhal in the Amritsar district for a week because he had the same name as a Communist wanted by the police.
>
> The story of the arrest and detention of the innocent man, Sri Achchar Singh of Jhabhal, was narrated in the Punjab Assembly yesterday by the State's Chief Minister, Sri Bhimsen Sachar, who described the incident as 'unfortunate' and regretted the mistake.
>
> The wanted Communist detenu was serving a term in the Jullundur district jail at the time of the arrest of the innocent namesake, but the jail authorities believed that the detenu had been released and was at large, the Minister disclosed.
>
> Sri Sachar added that the incident was under enquiry."

So, here is the news where you understand that the police wanted one Sachar......

Dr. S. P. Mookerjee: Not Sachar. He is the Chief Minister.

Shri A. K. Gopalan: There are two names here. One is Sachar, the Chief Minister, and the other is Achchar Singh who was wanted by the police.

Mr. Deputy-Speaker: I would like hon. Members, as far as possible, to read extracts from authentic documents.

Shri A. K. Gopalan: I want the hon. Home Minister to deny and say that there was nothing like that. Here are the proceedings of the Assembly, and it says that the Chief Minister said that it was unfortunate.

Mr. Deputy-Speaker: From what is the hon. Member reading?

Shri A. K. Gopalan: These are the proceedings of the Assembly as reported in the paper where it is stated that the Chief Minister said that it was unfortunate. I only want to say that if it is wrong, then the hon. Minister may say that what the Chief Minister said was wrong, and what has appeared in the paper is also wrong.

[Shri A. K. Gopalan]

Then there are other cases of grounds of detention which will be very interesting to know. Very serious acts had been committed by certain persons in the country. One was that a person was the Vice-President of a co-operative labour union. "He represented to Satyanarayana Rao expressing his sorrow that he was not able to get Soviet film, and requested the former to obtain this film." That is why he was detained. I am quoting here from the collection of grounds of detention in the various cases, by the Madras Civil Liberties Union. One of the charges against a particular person was that he wore a red cap and a white pyjama. I have got the copy of the full detention order with me, and I shall just read out some of the charges mentioned.

Mr. Deputy-Speaker: Was it not reviewed by the Advisory Board?

Shri A. K. Gopalan: I do not know whether it was reviewed or not.

In that detention order, the grounds of detention are as follows:

> "He spends his time reading Communist journals. He is a full time worker of the party at Tuticorin and acts as Captain of the volunteers. He is the general secretary of the Salt Pan Workers' Union and always likes to create unrest among the labouring class at Tuticorin. He has got a great love for his party and he is leading member there. He instigated the Hotel workers at Tuticorin to demand Deepavali bonus at a meeting held on 20th October 1946. He exhorted all the labour Unions to rally round the Communist banner at a meeting held on 31st October 1946. At meetings of the chank divers, Tuticorin held on 13th November 1946 and 13th December 1946, he wanted them to demand increased wages. He protested against the refusal of the boat owners to announce the freight for transport and load and wanted the boat workers to agitate against them at a meeting on 27th December 1946. At meetings held on 30th November 1946, and 1st December 1946, he condemned the police firing at Coimbatore. He criticised the police firing at Vikramasingapuram and Golden Rock at meetings held at Tuticorin on 15th January 1947,...he instigated the Salt Pan Workers to demand increased wages at meetings held on 4th May 1947 and 12th May 1947. He condemned the formation of the INTUC at meetings held on 19th May 1947,...at a meeting on 8th June 1947, the house-owners were criticised for collecting high rents and the Government's attitude towards the B & C Mill workers was condemned. He is influential with the boat workers and salt Pan workers of Tuticorin and used to address frequently meetings condemning the Indian National Trade Union Congress and criticising the Railway Pay Commission and the pro-capitalistic policy of the Government. He also supported the demands of the non-gazetted officers and openly backed their demands at a meeting on 20th November 1947. He is an active worker of the Communist Volunteer Corps and has got a good and strong following of communist volunteers at Tuticorin who would assist him in..."

And lastly, Sir, the ground of detention is mentioned like this:

> "He has got many volunteers ready to work, and he regularly wears a red cap and a white pyjama."

Mr. Deputy-Speaker: It might have been mentioned as a matter of identification.

Shri A. K. Gopalan: If it is a matter of identification, then there is no need for it to be mentioned in the grounds of detention. If such things are going to be mentioned, then even such things as my having a half-moustache etc. can also be mentioned among the grounds of detention. Therefore, Sir, it is not a question of identification, but it is a question of the foolishness of the executive officer who makes the order to say these things because there are no other things which he can say. In a detention order which is meant to detain a man and curtail his liberty, I do not know how wearing a white pyjama and a red cap are against the public security and the maintenance of public order. It is on this basis that the grounds of detention are given. You also said, Sir, that it may be a matter of identification why this is mentioned. It may be. But what about the other things? There is no mention as to what are his activities and to what extent those activities have disturbed public peace. It is stated that he is the leader of the trade union, that he criticised the INTUC and the Government's attitude etc. Does this in any way show that the activities were such that something was done or that something was created or something happened due to the public meetings? Nothing was shown.

I can give you the grounds of detention from another very innocuous charge sheet. This is:

> "Law and Maintenance of public Order—Kistna District—Manikonda Suryavathi—'Her husband Manikonda Subba Rao is an ardent Communist of the district.'"

That is one of the grounds of detention, and under that ground, the husbands or wives of all the Communists can be detained.

Then it is mentioned:

> "Under the influence of her husband and his associates she enlisted herself as a member of the Communist party. She was entrusted with the task of organising the Mahila Front in association with Dr. K. Atchmamba, by the Andhra Provincial Communist Party. She has gifted her entire property to the value of Rs. 20,000 to the party and has since been receiving subsistence allowance from it.
>
> To review the work done on the Mahila Front and to organise a Provincial Sangh, delegates from different countries were invited to Bezwada where a conference was held in the house of Dr. Atchamamba on the 28th and 29th of December 1946. A committee was formed with Dr. K. Atchamamba as president and herself as secretary to form a Provincial Sangh. She was elected as a member of the sub-committee to draft the constitution and rules of the Mahila Sangh.. At this conference of delegates, resolutions criticizing the textile policy of the Government and decrying the alleged repressive policy of the Government in putting down political activities were passed."

From this you will see—I do not want to elaborate these things—that the only grounds of detention are that Manikonda Suryavathi was associated with only the activities of the Mahila Sangh, and was a member of the Communist party, and was doing propaganda on behalf of that party.

Then I shall read out to you the detention order served on Mr. K. L. Narasimhan who is now a member of the Council of States. The grounds of detention are as follows:

> "He is the General Secretary of the M. & S. M. Railway Employees' Union. He organises and addresses meetings of the M. &. S. M. Railway Employees Union. He is a staunch Communist and a member of the Communist Party. He has frequent contacts with the communists at 1/6 Davidson Street, George Town and often visits that place. He attends the Communist party study classes regularly. His main object is to bring the workers of the M. & S. M. Railway to the Communist fold and for this purpose he visits branches of the M. & S. M. Railway Employees Union at Guntakal. Bitragunta, Bezwada, Rajahmundry etc. (Communist controlled) and carries on intense propaganda towards this end."

The only charges against him are that he is the secretary of the railway employees' union, and that he goes and preaches to them with a view to enlisting them within the communist fold.

This is another instance which will show clearly that there was absolutely nothing against anybody, which could be considered as a fit ground of detention. If the Government or the executive officer knew of some genuine grounds, then those should have been mentioned in the detention order.

I can give you instances one after the other where such detention orders have been passed. But I will just mention the various grounds that have been served on the several persons.

> "Shri Komanduri Gopalakrishna—he has been carrying on propaganda against State Congress, State Police and Ittehad-ul-Muslameen, resulting in subversive activities in the bordering villages of the Indian Union and Hyderabad etc.
>
> T. Honoch, Malabar—Influential Union leader among weavers—a Communist.
>
> R. Panchaksharam. South Arcot—On 26th September 1947, at Nellikuppam Labour Union, spoke for the abolition of the white capitalist management. Grounds not communicated.
>
> N. K. Swamy. Coimbatore—Employee in Nellikuppam Parry & Co—very zealous , and active worker—commands greater influence on workers.
>
> K. Chokkalingam. South Arcot—Participated in Mill strike in Udimalpalyam.
>
> R. Somanna. Coimbatore—Staunch Communist worker at Tirupur.

[Shri A. K. Gopalan]

S. A. Ahmed, North Arcot—He is opposed to the Hyderabad Communist.

Dr. Annaji, Salem—Organised Kisan sabha in Krishnagiri.

Mr. Poonurangam, Madras—Ex-president of Tramway Workers' Association—Possessed considerable influence on workers.

R. Ramanathan—Attacks Government's Food policy and decontrol policy."

I would like to quote also an extract from the judgment in Mr. Ramanathan's case to show what the Judges themselves felt about the grounds of detention. While discussing the grounds of detention, it has been stated:

> "It was not alleged that the Madras Provincial Trade Union Congress was an unlawful body engaged in prejudicial activities, nor was it alleged that the organisation of strikes *per se* was illegal or unlawful so long as they were done in a peaceful manner without any interference with the lawful exercise of the rights by the public and by the respective authorities. The statement in the grounds of detention that the detenu held secret meetings and was in contact with Communist-controlled labour unions was bald and did not convey any clear impression that the petitioner was connected with activities. ...The gravamen of the charges levelled against the detenu was that he was strongly criticising the policy of the Government with regard to certain matters, characterising their attitude as being anti-labour and pro-capitalistic. He was also alleged to have criticised the treatment of N.G.O's and the policy of de-control of food. But nowhere was there the slightest indication of the detenu having in all the utterances counselled the audience or the workers to employ violent means in pursuance of their agitation. Presumably all the meetings referred to in the grounds must have been conducted openly and with the permission of the concerned authorities, at all events with their full knowledge.
>
> His Lordship questioned categorically the Assistant Public Prosecutor, whether membership of a party with which had not been declared unlawful was by itself sufficient to justify an order of detention under the Act, in the absence of anything more specific to indicate that by reason of that or in consequence thereof the member was acting or was about to act in a manner prejudicial to peace and public order. He was unable to obtain a direct answer to the question, for the obvious reason that such a ground by itself would not be sufficient to deprive a subject of his liberty.
>
> His Lordship had scrutinised the original and the supplemental grounds of detention and could not find, apart from the petitioner's membership of the Communist Party and his activities in connection with the Trade Union Congress, anything else to indicate an attitude on his part for doing acts likely to disturb public peace and tranquility.
>
> It need hardly be pointed out, His Lordship added, that this special enactment was not directed against parties or groups of persons, but against particular persons. It was therefore their attitude, their tendency and their conduct which had to be taken into account in coming to a conclusion whether any particular person should be held in detention in the interest of public safety. Mere membership of a body, not declared unlawful, in the absence of overt acts suggesting that a particular person was acting or was about to act in a prejudicial manner contemplated in the Act was, in His Lordship's opinion, no ground for detention. The ground that the detenu would be guided by the instructions of leaders who had gone underground and was likely to commit crimes was just a conjecture and His Lordship was not satisfied that the detaining authority was entitled on a conjecture of that kind to say that he was satisfied that the particular person was about to act in a prejudicial way".

I do not want to go into other details. There are so many other details also. One hon. Member asked here whether it was only five cases. There are not only five cases. If the hon. Home Minister will allow me to read the grounds of detention, we will be able to place all the grounds of detention in the case of thousands of people who were detained in Madras at least, from the year 1948 to 1951. I only wanted to show that wherever a detention order has been given, there are other ways of dealing with them. I do not refer to those underground; if a man is underground, the detention order cannot be served; if a man is underground and he is not found, then certainly the police has to find out. But the question is, there are cases where the grounds of detention are that they are organising meetings, they are saying that the N.G.Os. must be given some more allowances or bonus or other things and there are strikes and if in the course of their speech or in the course of a strike or some other thing, some offence is committed, what we say is, there are certainly other ways in which they can be proceeded with. There is the Criminal Procedure Code and there are many other things in the country by which they can be convicted and they can be put inside jail. But here the detention has been used to defeat the ordinary law. I have already shown that it is the duty of the authorities concerned when they once arrest a man, they must see that he is detained under a proper order and put under trial and when they have filed a case against him give him an opportunity under the Criminal Procedure Code to have a bail. To conduct my bail after three or four months when I asked for bail and then to say that I am detained certainly is a lawless law. So what I say is that the Preventive Detention Act in all cases that it has been used has been used in such a way that the charges or offences for which a person is detained are such that if brought before a court and tried they would have been defeated.

First I was arrested in 1941 under section 115 read with section 302, that is, I abetted one man to commit a crime of murdering a police officer. And in the Court, he said it was nothing, it was only a small thing. And when he was speaking, he said something in the court. After my speech in that locality where there was an M.S.P., within about 15 days that M.S.P. was also taken away. That means it was so peaceful.

If you want to arrest a man on the charge of murder or abetment of murder or for any other crime in the country, certainly you have to give him a chance and when you know that the man has not committed that crime, certainly whatever the condition of the country, for the sake of a few people in this country, the liberty of the man cannot be taken away. That is why it was said in other countries also that there must be trial and he must be given some opportunity, he must be given an opportunity of producing witnesses. In some cases we will not be able to produce the witnesses because the authority of the executive will be such that he will not get witnesses to go before the court. But when he has no witnesses, he must be able to cross-examine the executive authority who gave the order so that at least from the cross-examination itself it can be found out that the order that was passed against him was not correct and it was an illegal order.

So, what we on this side say is that when there are certain other laws in this country by which you can proceed against a man who has committed a crime, you use the Preventive Detention Act. That means that by the use of the Preventive Detention Act the ordinary law in this country is not at all respected. Therefore, what I have to say about this Act is that as far as the present situation is concerned, there is no situation in the country today where any crime committed by any individual in this country, to whatever party he belongs, may not be brought before a court. According to the circumstances of the grounds of detention already given, the cases should be brought before a court of law. Even according to the judgment given, in almost all the cases the Judges have said that there is no ground by which the man can be detained—that is, if there had been a trial, if there had been an opportunity for the people to go into the merits of the case and also to have witnesses.

As far as persons like me are concerned, it is not only the Preventive Detention Act of 1950. In 1941 we were detained, in 1947 we were detained and when I was detained in 1947 I was told that it was because I was detained in 1941. Again when I was detained in 1948 I was told that it was because I was detained in 1941 and 1947. Again in 1950 I was told that I was detained because I was detained in 1941, 1947 and 1948. In 1951 the charge was that I had been detained in 1947, 1948 and 1950. So when a man is detained once, that itself can be shown as a ground when he is detained again. What we have to say is that till now, in whatever from it has come, the Preventive Detention Act has been used in such a way that the whole people in the country are suspicious that any man whoever he may be—the name of Achchar Singh was an instance—can be detained because the executive authority has got that right. He should not produce any witness; he should say nothing about it.

When Government introduced the Bill in 1950, the hon. Sardar Patel said that it was only for one year. Then Mr. Rajagopalachari said it was

[Shri A. K. Gopalan]

only for one year. Now our hon. Minister has been kind enough to extend it by two years. (*An Hon. Member*: Only two years). Under this law you may even tomorrow detain me and the grounds of detention, as they have been served to me, will be the same—that I had been doing so many things and so I was detained. So when the liberty of a man is curtailed, when a man is not given an opportunity and when there are laws in the country by which the man can be punished, why is it that the Government does not use that law? What I want to know is, when a man is arrested, why is it that the Government does not say: "Hereafter you should not make any speech" and then why is it that he is not taken before a court and then given an opportunity to prove his case?

Mr. Deputy-Speaker: The hon. Member is arguing that the ordinary law is just sufficient for this purpose. Is there any law which says that having regard to the previous conduct of an individual, he ought not to speak, not in a particular place? Under section 144...

Shri A. K. Gopalan: There is no law like that. Speeches are not made everyday and I do not say: "I will be going and addressing meetings for about one year in that place". The meeting will be announced. You will know when the meeting is held. Suppose I am going to speak on any subject, then even after the speech they can proceed against me according to the law and they can convict me. That is what I say. Even knowing that a man is going to a speech which is against, according to the Government, the security of the State and maintenance of public order, he can be detained and there are cases in which even bail is not given. That is under-trial prisoners are not given bail, even if the court thinks that it can be given. If the case as proved by the prosecutor is such that the Judge thinks that the bail can be given, then certainly it has to be given. So what I say is only this: that there are instances where according to the charge-sheet that had been given, according to the number of detenus who had been detained inside jail on the basis of the grounds of detention given to them, there has been no case where they had committed any offence, and even if they had not committed any offence they are detained.

What I have to submit is this if today Government thinks that there is a situation in the country which warrants the continuance of the Preventive Detention Act, it certainly is quite necessary to know the public opinion in the matter. If there is necessity, if the situation exists the people will say so—they may say at least in such-and-such a place the continuance of the Act is necessary. In a matter like this it is always essential that public opinion should be consulted. I therefore say that this Act which takes away the liberty of a person without any trial, being for so many years on the statute book should now be circulated for eliciting public opinion.

As regards section 4, what does it say? Section 4 says: So long as a detention order is in force in respect of any person, he shall be liable to be removed to and detained in, such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the Central Government or, as the case may be, the State Government, may from time to time by general or special order specify.

At present there is no special law in the country as regards the way in which detenus are to be treated. For instance, a detenu in Madras may be treated justlike an ordinary prisoner. But that may not be the case in the other States. The object of the Act is to prevent a man from acting in a manner prejudicial to public safety. When the man is kept in jail without any trial, at least inside the jail he must be given liberty as an ordinary prisoner and not as a convict. There must be some difference between the two. While I do not want to quote instances of different treatment in different States, I can say that one thing that was common to all the States was that the detenus were not supplied with literature for reading. In the matter of interviews I can say that an ordinary convict can have interviews with his friends, relations and other people but a detenu cannot have it unless the C.I.D. man comes and sits there. Once in the Madras High Court when I had to discuss with my lawyer a certain case a C.I.D. man was sent by the Madras Government to be present on the occasion. I filed a petition before Mr. Justice Panchapakesa Iyer asking whether a C.I.D. man can sit near me when I discussed certain things with my lawyer concerning a case filed against me, because from the same C.I.D. man Government had got the report against me and this would have gone against my interest. A judgment was given on my petition which said that he cannot sit near me and listen—if he wished to do so he could watch from a distance but he could not sit near me. There have been cases where because a detenu's wife or father or mother was a sympathiser the interview was not allowed.

Now, about section 4 I would say this. The treatment given in the different States varies. I had been in the Delhi jail for about five or six days when the *habeas corpus* petition was up here and I found that conditions here were entirely different from those in Madras. The conditions obtaining in the Punjab were different from those in Madras. You have given absolute authority to the States to treat the detenus even worse than convicts. When you have not convicted a man, when you have not given him an opportunity to say whether he has committed a crime or not, if you feel that the preventive detention of a person is necessary for the security of the State, should you restrict his liberty even inside the jail? Without going into the details of punitive and preventive cases, I would only say that in my case the judgment said, you have curtailed part of his liberty, you have restricted his movement outside, but he should have his liberty of movement and every other liberty inside the jail. Today Government are allowing the States to do anything they like in this matter and there is no general law so far as the maintenance of discipline and other things are concerned.

As far as the Advisory Board is concerned, other hon. Members have spoken at length on it and I have nothing to add. Till now the recommendation of the Advisory Board had not been accepted. Now it is said that whatever the Advisory Board says must be granted and its recommendations must be accepted. I know of at least two cases in which the judgments of High Courts had not been accepted. That being so, I do not know whether the judgments of the Advisory Board will be accepted. But when they are liberalising the whole law why is it that the detenu is not allowed to cross-examine a witness before the Advisory Board? Why is it that he is not allowed to bring in some witnesses so that even though it may not be a court he may be able to prove his innocence, so that he may have an opportunity to do so?

Today the Preventive Detention Act is sought to be extended by two years without understanding what the situation in the country will be after six months, after one year. We have been extending it again and again for these past few years and it has become a part of the law of the country. While I do not want to say as other hon. Members have said that this is a blot, a stigma on free India, I may be allowed to quote the judgment in my case wherein Justice Mahajan towards the end of the judgment has said as follows on this Act:

> "Curiously enough, this has found a place in the Constitution in the Chapter on Fundamental Rights."

He also says that nowhere else in the world is there such an Act. And curiously enough whenever the Supreme Court as well as the other courts have found that a certain man should be released, they have said. "We connot do it because there is a certain article in the Constitution. We cannot go into the merits of the case. We can only say whether there is any technical error in the detention order".

So, this Act has been in the country for so many years now and so many persons have been detained without trial. If necessary I can quote instances, not of 1947 or 1948, but of 1951. There have been some detentions of late, that is only fifteen days back. Yesterday I got information that in Tripura about ten persons are detained—I am subject to correction because it was only yesterday that I got that information. I can give specific instances. Samuel Augustine's case is one. He was president of the Dockyard Employees' Union, Bombay. A strike of 8000 workers against retrenchment of 1000 workers took place in 1947. After the strike was called off he was arrested along with a few others, under the Bombay Public Security Measures Act. After a stay-in-strike by the workers, they were all released. In 1948 the Union again gave strike notice for the proper application of the Pay Commission's recommendations. Even when conciliation proceedings were going on he was arrested again. He was released by the Bombay High Court in July, 1950. He was again arrested on the 11th May, 1951. Since then he has been continuously in jail for the last fourteen months. There was another case of T. Janardanchari. He was arrested on 17th June, 1950. Neither the Hyderabad Government nor the Madras Government know anything about it. The case is before the Supreme Court but the detenu is not to be found now. The Supreme Court is not told what has become of the

[Shri A. K. Gopalan]

detenu nor whether the Madras Government has to answer or the Hyderabad Government, for the case. In another case, Santosh Chandra Kapoor, the Secretary of the Kanpur Mazdoor Sabha, and seventeen others were detained. I do not want to go into the details of that case. They had taken out a procession and something happened, and they were arrested. Then there is another case in which Pangarkar, the Vice-President of the Gujerat Kisan Sabha, was detained. So, even during the last two or three months, several persons have been detained. I do not know whether the Home Minister has got reports about these cases.

The reason why Government feel that the Prevention Detention Act should be there is because the Government think that all sections of the people are against them. The Government have not got the confidence of the people. If they have, then why should there be such an Act? The Criminal Procedure Code (Amendment) Bill has just been passed and we have given powers to the Government to use not merely the Army, but also the Air Force and the Navy. The High Courts in the land and the Supreme Court have held during the last five years that the Preventive Detention Act should not be there. People have a right to organise. The worker has a right to organise. When peoples' rights are restricted, when the worker wants a bonus, when the employees want something more, they have a right to organise. That fundamental right is given by the Constitution itself. And then there are already laws in the country to deal with agitations. Therefore, why is it that you want the Preventive Detention Act to be continued? By whatever method, you want to have it. Why? It is because it can be misused. It shows that the people have lost confidence in the Government and the Government feel that the people may attack any day. But if there is an unlawful assembly or association, have you not got the powers to disperse it by using the Navy and the Air Force? You are afraid. It is a small crowd today. It may become a big crowd tomorrow. All the sections of the people are against the Government and therefore, you feel that it is only through repression that you can carry on the Government. If that is not the reason, why can you not suspend the Preventive Detention Act for some months. as suggested by my hon. friend Shri Chatterjee, and then see what happens in the country? If there is in any part of the country a serious emergency calling for drastic action, certainly in the Constitution itself you have been given the emergency powers. You can use them and nothing can be done in any part of the country. Therefore, it is on principle, on sound principle, that the Preventive Detention Act is hated by the people. The Judges have also declared that it should not be there. If the Government persists in having the Preventive Detention Act, it is only for the purpose of misusing it, as it has been doing in thousands of cases.

According to my information, in 1950 there were about 15,000 people in the whole of India under detention and according to the grounds of detention many of these people had done absolutely nothing wrong. If there are any persons who have committed crimes, certainly let those persons be convicted but if you look at the detention orders in those 15,000 cases, you find absolutely nothing there. Therefore, when the High Court Judges declared those orders illegal, a circular was issued saying, "When you issue a detention order hereafter, you must be very careful". Even after that, in 1951 you have got detention orders quoting what was done ages ago. In the order given to me, they had done the same thing. I actually wrote to the Government saying, "Hereafter, in the detention orders do not tell me what were my actions in 1936". In 1951 they had quoted my actions in 1936. That meant that I had done absolutely nothing wrong now and there could never be anything against me. In 1947 I was inside the jail. Therefore, for the new Government of today there can be nothing against me, and when they served the order saying, "You are acting or are about to act in a manner prejudicial to the security of the State", I asked them "Which State?" If it was against the British State, I had certainly acted against it, but against your State I had done absolutely nothing. Therefore, I told them. "You must give me an opportunity to explain. You must release me. Then see whether I am against this State that is newly born. I must be let off for two days at least and let your officers watch me". But it was not done like that. They served the detention order. That only showed that without there being any warrant, I was detained.

In the end, Sir, I have only to submit very humbly that when you want to continue the Preventive

Detention Act for two years or three years more, you must remember that if there is anything in the country which warrants its continuance on the ground of peace and tranquillity, then certainly you can have the extension. But I say that without this Act the peace and tranquillity of the country can be maintained by the existing laws of the country. The past history of India has shown that such situations can be tackled by the Criminal Procedure Code. You cannot have peace and tranquillity by endangering the liberty of the people. There will be peace only when you look to the problems of the people and solve them. You can slowly solve their problems. Therefore, inspire confidence in the people that within two or three or four or five years the problems of the ordinary man can be solved. If there is confidence in the mind of the common man that this Government is trying to do something and if he feels that he should give some time to the Government and wait for three or four years—if there is that confidence in the common man, then nobody in this country will act in a way which is prejudicial to the safety of this country. The common man understands only his state of hunger. He does not get his food. He thinks only about his hunger and collects some people together and says that he wants food. It is not because he is against the Government, but it is because he is irritated and angry. He feels that this Government will not be able to solve his problems and out of that desperation, out of that discontentment, out of that anger, he says, "We must agitate against this Government". Your law and order and your peace and tranquillity can never be maintained in any country unless the problems of the people are taken note of and at least a feeling of confidence is created in the minds of the people that this Government is likely to solve those problems. They must feel that you have a policy by which these problems can be solved.

I have not got much more to say. I have quoted very many instances, I think, to show that the Preventive Detention Act has for so many years now been used in such a way that if this power is given to the executive, the officers—howsoever we may restrain them—will misuse the power. There will be no reason given against the ordinary man working openly. The charges are against persons who are working openly, and no charge warranting preventive detention can be brought against them. Therefore, they bring in other reasons and innocent people also are put inside the jails.

I am not talking about the amendments, because there will be another opportunity when they are taken up one by one. For the present, let me conclude by saying that there is a big volume of public opinion in this country among all sections of the people against this measure, and I request that it may be sent round to elicit public opinion. If the public wants it, if there is a certain amount of opinion that this measure should be there, then let us understand it first, and if that be the case then it is the duty of Parliament to continue it. But let us not pass this Bill before eliciting public opinion.

Shri Datar (Belgaum North): I oppose the motion for sending this Bill for eliciting public opinion. While I was hearing very carefully and anxiously the debate that was been carried on for the last two days, I was struck by two circumstances. One was the unreality of the approach so far as this question was concerned, and the other was the needless excitement with which this question was handled. I shall try, Sir, with your indulgence, to place certain facts, circumstances and inferences before this House in order that there may be a dispassionate appreciation of the circumstances which have led this Government to come again before this House for extending the Preventive Detention Act.

In 1950, the Indian Constitution was promulgated. Within one month thereafter, there was an occasion for the Government of India to approach Parliament for the purpose of enacting the Preventive Detention Act. We have to consider why circumstances arose immediately after the passing of the Constitution necessitating the enactment of the Preventive Detention Act. For that purpose, we ought to take into account the circumstances that obtained when the Constitution was framed. After we obtained freedom, there were circumstances which showed that we passed through the greatest disturbances that any country had to pass through. There were in India certain parties which had certain extra-territorial affiliations and which were not necessarily careful about the maintenance of law and order. Under those circumstances, in the very first Republican Constitution we framed we made a provision for an extraordinary measure, namely, detention without trial. That was a circumstance which we have to understand. The framers of the Constitution were patriots and they were influenced by the realities of the situation. Weight was given

[Shri Datar]

by them to the extraordinary circumstances through which the country was passing. Therefore, it was that when the Constitution was promulgated in January 1950 we had in the Constitution article 22 which dealt with what is known as "preventive detention." These provisions have been laid down advisedly for the purpose of meeting a highly extraordinary situation through which the country has been passing. So, the first question that I will pose and I will answer is whether there has been propriety so far as this particular measure is concerned, whether constitutional propriety as also what will be called circumstantial propriety exist for having a measure of this kind on the statute book.

When the first Preventive Detention Bill was placed before the House, as I stated, within one month of the passing of the Constitution, there was a desire on the part of the House, on the part of a number of Members at least, that inasmuch as the provisions had been made for preventive detention, there ought to be on the statute book a permanent measure dealing with preventive detention. That was a point which was made by a number of responsible and senior Members of this House. This point was repeated, in 1951, when, for the first time, the executive Government sought an extension of this measure. Neither in 1950, nor 1951, nor even in 1952 are the Government going to have an Act which will be permanently placed on the statute book, so far as preventive detention is concerned. I am placing these facts before the House to show that the problem is being approached mildly and not sordidly or harshly as the other party is trying to make out. Because, after all, such powers are extraordinary and according to our Constitution, of which we ought to be worthy, there ought not to be on the statute book a permanent Act dealing with preventive detention. It has been the desire, it has been the ambition of this Government that circumstances might change and there ought to be no need for having a Preventive Detention Act being permanently placed on the statute book. It is this approach which has got to be properly understood by the other party.

Now in place of a permanent statute we had first an Act in 1950. It was an Act which had to be passed immediately, in view of certain judgments of the High Courts and Supreme Court. When that measure was before the House the then Home Minister said that he had to pass two sleepless nights before he persuaded himself to place that piece of legislation before the House. That shows the extent of the gravity of the situation that persuaded Sardar Patel and is a demonstration of the fact that this problem was not approached with levity, nor was there any spirit of exhilaration or enthusiasm for curtailing the liberty of the nation. The Act in the first instance was only meant for a year. After one year when it was found that the conditions had not returned to normal, Government sought the extension of the measure for one more year. In this connection, I would like to bring to the notice of the House certain very important facts. When the Act was passed in 1950 it had certain provisions and clauses which were perhaps of a debatable nature. Therefore, in 1951 when the new amending Bill was placed before the House certain improvements were made and my hon. friend Dr. Syama Prasad Mookerjee himself admitted that the amending Act of 1951 was an improvement on the original Act. Now we have got the Bill before the House, which has to be considered from the point of view of constitutional propriety as also the needs of the present situation.

Now, Sir, we are told that detention without trial is an invasion on public rights, on the rights of liberty. True, it is an invasion on the rights of liberty. But there may be circumstances where in a country like India, which is an infant republic, there might be forces which are reactionary, which are destructive to an orderly State, as to necessitate the use of power of preventive detention.

12 NOON

A number of analogies were quoted. We were referred to the English Constitution and the American Constitution. We ought to know that the English Constitution was developed over 600 long years. They have got a measure of stability and the English public are accustomed to exercising that right of democracy which is at the heart of everyone of us. The American Constitution is 150 years old. There also conditions have stabilised to a very large extent. But there are certain instances which I am going to place before the House to show that even in 1950 or 1952, there are cases where powers far harsher than the one we have are being used.

When the first Preventive Detention Act was being placed before this House two instances were quoted by an hon. Member who was an Ambassador for India in Brazil and Chile. It was pointed out that in those two countries extremely harsh Acts have been passed, which purport to show that whenever in any society, or any country there are elements which are carrying on activities destructive to democracy, all their rights of citizenship are taken away. In Chile a judicial tribunal was appointed and the particular party that was impugned was the Communist Party there. After calling judicial evidence and going through all the facts of the case that tribunal came to the conclusion that it was necessary to pass a special Act known as the Law for the Preservation of Democracy. A law was passed in Chile for the preservation of democracy under which all rights of citizenship were taken away from this party and the citizens of that particular country who were acting in a way destructive of democracy. In the other country similar Acts have been passed. Whenever any act is done which is destructive of democracy, certain rights are withheld from citizens.

Hon. Members may be aware that only a few days ago Sardar Panikkar was here and he told us about conditions in China—I would not call it Red China, but I would call it Republican China. In Republican China—it would startle many Members to know—that there are two classes of people: one known as the people and the other known as the non-people. Now, those who are landlords, those who are money-lenders, those who are believed by the Communist Government to be against the interest of the country, all of them are classed as non-people. It would surprise many of us to know that these non-people have absolutely no rights at all. They have no right of vote. When a question was asked of Sardar Panikkar he stated clearly that even their safety was not a matter for the Government. Therefore, they have to protect themselves; they have to take care of themselves. So, we have got in the year of grace 1952 at least three cases where not only are there laws which sanction detention without trial, but there are cases where even fundamental rights, like right of voting, right of property, etc., are taken away by a statute passed by the legislature of those democratic countries. These are the instances which we have to take into account.

We are an infant republic and all possible steps should be taken to provide for the stability of Government and the maintenance of law and order. Some hon. friends quoted certain rulings of High Courts and the Supreme Court. So far as Judges of the High Court and Supreme Court are concerned, it is true we have to treat all their judgments with the respect they deserve. But there are circumstances, where it is not possible for the High Court Judges or the Supreme Court Judges to realise the position which only the executive Government can do. Therefore, we have to understand that their functions are different and that the functions of the legislature or the functions of the executive Government are entirely different. All the same, in the very judgment in Mr. Gopalan's case which has been quoted we have got a dissenting judgment. Some Members of the Opposition waxed eloquent over dissenting judgments and they said it was dissenting judgments that were making the law memorable. Whatever it is, I am quoting to this House a passage from the judgment of Mr. Justice Fazal Ali which was not the majority judgment, it was a dissenting judgment. In addition to section 14 he held that section 12 also was *ultra vires*. It was a dissenting judgment and in the course of that judgment he has clearly admitted that the conditions in India are yet not normal, that the conditions are onerous. When the conditions are onerous it is the duty of the State Governments as also of the Central Government to make laws that are necessary for meeting all such menace.

Secondly, we have got the judgment of the present Chief Justice of India, Mr. Justice Patanjali Sastri, in the same case. He also has stated that in a country like India there are and might be elements which are of an unsocial character and from these elements, disruptive elements and subversive elements, the country has to be protected. Therefore, both the Judges of the Supreme Court of India have accepted the position that the conditions in India are still far from normal.

Then, some friends suggested that in the Constitution we have got provisions for declaring an emergency. Now, when there is a grave emergency, when a war is being threatened for instance, it is open to the President to declare an emergency. And if an emergency is declared then this Parliament also ceases to function. Therefore, instead of having an emergency created over such matters, we have to accept this position that short of a grave emergency there might be elements in the country, there might be circumstances where the conditions are far from normal,

[Shri Datar]

or to a very large extent abnormal. In such circumstances there must be placed at the disposal of the Central Government and the State Governments a law that would keep the country out of those mischievous elements. It is against such elements that this Act has been passed and it is meant to be there only for one year. (*An Hon. Member*: Two years) I am sorry, two years.

The next question that has to be considered is whether at the present moment the law is required. Now, this question can be answered in two ways. As I stated, it was an extraordinary measure. But even though it was an extraordinary measure, the question whether the powers have been sparingly used or whether they have been used in a very bad way has to be considered. It is true that in 1950 we had a very large number of detentions. But graduall conditions have improved. And the Statement of Object and Reasons to this Bill clearly points out that the conditions have improved to a certain extent but we are not yet completely out of the wood, we are not entirely out of the wilderness, and therefore it is that the Central Government and the hon. the Home Minister have come forward with a Bill which they want to be in operatio nonly for two years.

[SHRI PATASKAR *in the Chair*]

There are of course certain instances where some complaint can be made. After all there are officers who act over-zealously sometimes. In this connection the hon. Mr. Rajagopalachari made a very funny remark in 1951 when he piloted the Preventive Detention (Amendment) Act. He stated that these powers were necessary on account of the fact that some officers were not efficient and therefore some people were not intelligent. Various instances have been quoted to show that in some cases officers have acted over-zealously. The question is whether the number is so large or so abnormal as to point out that such an Act is not necessary at all.

In fact, if we take into account and make a cool assessment of the whole position we shall come to the irrefutable conclusion that but for this Act, the condition would have gone worse. The passing of the Preventive Detention Act in 1950 was an Act which was absolutely essential. It might be unfortunate, but it was inevitable. The Act was absolutely essential and it has saved the country from disaster and from internal enemies. That is a circumstance which we cannot forget. That Act has saved the country in a large measure. And when the first amending Bill was placed before this House we find that there were a number of departures in it—very happy departures, by way of improvement, and the improvement has been carried still further on. In this respect you will find an improvement in the present Bill. In the Constitution it is laid down in article 22 that whenever any measure for preventive detention is passed it must lay down a particular period, namely the maximum period. Now, in the original Act the minimum period of three months was laid down. But the maximum period has also to be laid down so that there should not be what can be called an indefinite detention. Accordingly, in the present Bill the first important improvement or the first happy departure that has been made is that we have got a maximum period provided, namely one year.

Secondly, you will also note that both in the original Act as also in the first amending Bill what was laid down was that whenever an order was passed by a district magistrate or a divisional magistrate or any other magistrate then that order had more or less the effect of being a final order and not an order requiring the confirmation or the approval of the Government. Now, here you will find that the position is entirely different. Here, the greatest vigilence has to be exercised by the State Governments as also by the Central Government. What has been provided for here is that when such an order has been passed, that order would remain in force only for fifteen days. Therefore, automatically, after the expiry of the fifteen days, that order will lapse and the detenu will be set at liberty, unless the order has been approved of, or confirmed by the State Government. So that is an innovation. It will be very clear to every Member in this House that within fifteen days the Government in the State or the Government at the Centre will have to take care to see whether there are proper circumstances for the detention.

The next point that we have to consider is the quesion of the Advisory Boards. Now, an Advisory Board is not a judicial body. That has to be admitted. Though it is not a judicial body, still there might be cases where it may not be desirable in the interests of the security of the nation and for the purpose of maintaining secrecy—because there are certain pieces of information which are extremely vital and fateful in character—and such pieces of information have to be kept away from the public. Otherwise they would be a disturbing tendency on the very life and future of the nation. It is on account of this reason that even in foreign countries, though originally they stated that there ought to be judicial trial and without a judicial trial no man can be detained long or convicted, even in the Supreme Court of America as also in the English High Court we have got the present position accepted, according to which they say that this freedom should not be made too much of, and therefore certain abnormal Acts were passed during the war in America as also in England and they had recourse to what is known as the mid-way position between no trial or no enquiry at all and an enquiry through a judicial tribunal. They are what we call the Advisory Bodies. Here in this case we have got a further safeguard namely that these Advisory Bodies have to be consulted. Formerly when the first Act was passed there was no compulsion on the Central Government or the State Governments to submit all the cases wherever there were detenus, to the Advisory Bodies and even the Constitution itself makes a provision that if a State Government or the Central Government thinks that there are certain cases where it might be prejudicial to the safety of India or it might be harmful to the safety of India, certain circumstances should not be disclosed even to the Advisory Body. Therefore, that power was recognized and was laid down in article 22. We find that even so far as this particular point was concerned there are two circumstances of a refreshing nature in this measure. One is that these Advisory Bodies are to consist only either of High Court Judges or those who are competent to become High Court Judges. In other words though these bodies are stated to be non-judicial bodies still in fact they would be considered as judicial bodies. Secondly, you will understand that so far as these bodies are concerned, they are called Advisory Bodies. Ultimately, they gave only a piece of advice. I am not bound to accept and it is open to me to accept, reject or ignore it. That is the ordinary meaning of the expression 'Advisory Body'. It would be found to our great relief that in the present Bill that has been placed before us and that is being debated now, every case has to be submitted for its consideration to the Advisory Body.

Suppose for example, there is pronounced an opinion which is against the continuance of detention, then what is to be done? Formerly there was some technical difficulty in the amendment that was passed in 1951, namely there were only two members and it was likely that two members might not agree amongst themselves and there might be a tie. Under these circumstances the Attorney-General gave the opinion that when the two members of the Advisory Body gave opinions which were incompatible with each other, then it was to be considered that there was no opinion of the Advisory Body and he further stated that in such a case the Government were bound to respect the decision in a way, of the Advisory Body and release the detenu, forthwith. That difficulty has been met in this particular Bill by two circumstances. One is that the number has been increased to three. Secondly, the opinion of the Advisory Body is more or less a judgment, for every opinion that has been given by the Advisory Body either unanimously or by majority vote would be binding on the Government and the Government are bound to release the detenu provided that opinion is in favour of the circumstances that the detention made was not proper or that the detention should not be persisted in. It is a great innovation that though we call it an Advisory Body still it is not an Advisory Body in fact. It is a body whose opinion is entitled to the greatest respect and is by the present statute stated to be binding on the Government.

Formerly, either in the original act or in the amending Act of 1951 there was no provision for the appearance of detenus before the Advisory Body. Therefore, it was contended that it was not a trial. It was not a judicial inquiry and therefore, a detenu was not entitled as of right to appear before such a body. That right has also been conceded. For example under the present Bill where a detenu has been arrested and detained, he is supplied with the grounds for which he has been arrested or detained and then these grounds along with the information that the Government have at their disposal, the representation that the detenu might make—all these will be submitted for the proper consideration by the Advisory Body.

A further right has been given by the present Bill according to which if a detenu expresses his desire to appear personally before an Advisory Body then it shall be the duty of the Advisory Body to call him in. It shall be the duty of the Government

[Shri Datar]

to place such a detenu before the Advisory Body. This important right of appearance in person before the Advisory Body is one of the most valuable rights. As against this it might be contended by the other party that the original Constitution when it deals with the detention......

An. Hon. Member: There are no parties here like that.

Shri Datar: There are other parties of whom we may have to take notice. All right. I shall be glad if there are no parties at all. Then it was contended that the right of appearance through a lawyer was allowed under the Constitution—article 22. It is true that clause (1) of article 22 gives the right of appearance before a duly constituted authority when a man was detained, but it has been made clear in a subsequent clause that this right of appearance through a lawyer is not open when there has been a preventive detention. Therefore, we cannot say that in the case of a preventive detention a detenu has as a matter of right the facility of appearance through a lawyer and that right cannot be claimed as such. There are certain weighty considerations. I am a lawyer and ordinarily one is likely to believe that the right of representation through a lawyer is a very valuable right but there are grave circumstances which deal with the stability of a state where such a right ought not to be available to a lawyer at all because when a lawyer appears, when witnesses appear, naturally it will not be possible for the Advisory Body to suppress certain information provided all those facilities are allowed.

The next question is whether a lawyer is absolutely essential. The High Court Judges or persons competent to be High Court Judges who are the members of the Advisory Body would take care of the legal and constitutional position and so far as the presentation of the factual side is concerned that is a matter which a detenu can surely take care of and. as for the detenu. he is not supposed to be a gullible or dull person. These detenus are a class of persons who are extremely wise and who are extremely clever. In fact it is their cleverness which has been baffling the Government and therefore the ordinary normal law cannot apply to such cases.

Then, it was contended by some lawyer friends also with some amount of plausibility that there ought not to be passed laws for a detention without trial. We have seen also that a number of lawyers from Bihar have made a representation to the Central Government that this Bill is an obnoxious measure and should not be placed on the statute book even for a limited period. What are the fundamentals which have been some times ignored by our friends opposite? In ordinary cases when the conduct is normal, then the conduct by way of commission of offences is normal and then we have got the law of Criminal Procedure Code, the Penal Code and we have got other criminal Acts also. But when there are extraordinary circumstances and when there are organized parties or when there are organized unsocial elements, then in that case you cannot say that the State has to remain quiet and to take action only after a particular act has been committed. That would only be a *post mortem* procedure. There are circumstances in which it is the overwhelming duty of the State to prevent the commission of such acts which might lead to the unsettling of conditions in India. In section 3 a number of circumstances have been mentioned as for example where the security of India is concerned, where attempts are made to tamper with services or the supply of foodgrains. There are also other circumstances. These are overweighty circumstances to cope with which the ordinary law of the land would be entirely insufficient and would not be of any use at all. In ordinary cases, it is the duty of the prosecution to prove the Commission of offences and then only it is open to the court to convict. We know a number of cases where actually an offence has been committed, but on account of some technical non-compliance with the law, the offenders have had to be released very reluctantly by the magistrates. In such cases, the interests of the State are not at stake to the extent to which it would be at stake where we deal with fundamental problems which affect the welfare of the whole State. or the security of the whole State. In the former case, actual proof may be insisted upon. As I said, there may be other circumstances which might lead to or which might prepare the ground for unsettling the conditions in a country or for introducing subversive activities which may be highly fatal to the interests of the nation. In such cases, it is not sufficient merely to put the law in motion after the act has been committed. An *ex post facto* procedure would not be sufficient. What is required is, not merely should the act be nipped in the bud, but the very preparation should be crushed. In such cases, you have to deal with not actual proof, but as some courts have pointed out, with reasonable suspicion and anticipation. So far as suspicion and anticipation are concerned, we have to remember that we are a responsible Government and a certain party has been returned to power at the recent General Elections. That shows that the party which is in power at the Centre and in most of the States, has the confidence of the nation. If there is responsible Government, it means that there is a responsible Ministry. The first fundamental act of any democratic Government is to place implicit faith in its Ministry or in its executive. Otherwise, Government would be impossible. You cannot carry on the Government if for example you administer pin-pricks at every stage, and you do not rely on and place confidence in the Ministry and place some theoretical considerations before them. Therefore, my submission to this House is this. When we have a responsible Government of the republican type, which we undoubtedly have, whatever my friends on the opposite may say, when in their opinion, which is entitled to great weight, there are circumstances that require the continuation or extension of this Bill for a period of two years, I say they are entitled to have that measure of confidence to the extent that we place these powers in their hands. As I said, in spite of what has been said, in certain cases, there may have been over-zealous acts; you can call them bunglings. But, beyond bunglings and over-zealousness, there is nothing to show that there was any tyrannisation. In these circumstances, you have to place in the armoury of the executive certain powers which may be used only when necessary. Those who know the conditions in Rajasthan, Saurashtra, and certain areas in Hyderabad—I would say, that, but for such an Act to deal with such cases which are of an extraordinary nature, the safety of the nation would have been imperilled. I come from a part of the country where the Communists are not, happily, in the picture. In my part of the country, for the protection of the life and property in the ordinary way, the ordinary law is not sufficient. There also, this Preventive Detention Act has to be resorted to for the purpose of protecting the life and property of the citizen. I have a number of instances to prove that but for this Act, my part of the country would have been in great jeopardy. Therefore, these powers have to be given.

All we can say is that this power should be used as sparingly as possible. The hon. Home Minister, the other day gave the figures of persons in detention in the various States. So far as these figures go, they do not err on the side of being highly excessive or being highly unwarranted. Taking into account the magnitude of our country, taking into account also the various subversive and unsocial elements that we unfortunately have in this country, taking into account the desire of the present popular Government at the centre and the various States, these powers should be given to the Government. We have also to remember one point mentioned by the hon. Home Minister. He said, not only did he require these powers in his arbitrary will, but that all the States, in all the parts of the country, desired that these powers should be extended. If we read the proceedings of this House when this Act was passed, we find that a certain number of judgments had been given by High Courts and the Supreme Court and the position was likely to be chaotic. Senior officials from various States had gathered in Delhi and they impressed upon Sardar Patel the necessity for the passing of this law as early as possible and as expeditiously as possible. Therefore it was that the first Preventive Detention Act was passed in the course of one day after five hours of discussion. This shows the measure of anxiety that was bestowed on the matter and the measure of the intensity of this problem. From an examination of these circumstances, we understand the constitutional propriety and the need for this measure. Technically we may not be in abnormal circumstances; still the conditions are far from normal. In such circumstances, we must have in the armoury of the Central Government certain powers which have to be used when the need arises. It is only for such contingencies that this Bill has been brought forward. Let us hope, let us all join in giving the powers that they need, and in calling upon and warning them that these powers should be used as sparingly as possible, and as intelligently as possible. If the powers are not used intelligently, the High Courts are there and the Supreme Court is there to pull them up and the legislative authority is there to prevent an abuse of the power or correct any lacuna or omissions. So far as the present Bill is concerned, if we take into account all these safeguards, if

[Shri Datar]

we take into account the reality of the present situation where we have to nurse the stripling of a young republic, in my opinion it is necessary, not as a member of the Congress Party, but as a responsible citizen of India, that we must place these powers in the hands of the Central executive as also the State executives.

श्रीमती सुभद्रा जोशी (करनाल) : श्रीमन्, इस बिल के बारे में दो तीन दिनों से काफ़ी बहस चल रही है और इस बिल के बारे में मैंने भी इन दो तीन दिनों तक काफ़ी विचार किया है । अभी हमारे आनरेबिल मेम्बर श्री गोपालन ने बहुत से केसेज (cases) बतलाये, अपना भी किस्सा उन्होंने बतलाया । मुझे उन के साथ पूरी हमदर्दी है । मालूम होता है कि काफ़ी मुसीबत में से वह गुज़रे हैं, बहुत से डिटेंशन आर्डर्स (detention orders) उन पर सर्व (serve) किये गये हैं । बाकियों का भी किस्सा उन्होंनें बतलाया और यह बतलाने की कोशिश की कि किस तरह नामुनासिब इस्तेमाल हुआ है । उन्होंने बहुत कुछ पढ़ पढ़ कर बताया कि क्या क्या नामुनासिब बातें लिखी थीं । तो इस सब से अध्यक्ष महोदय, ऐसा मालूम होता है कि हमारे एग्ज़ीक्यूटिव आफ़िसर्स (executive officers) ने जिन्होंने वह आर्डर्स सर्व किये, लिखने में ग़लती की । लेकिन हमारे आनरेबिल मेम्बर ने यह साबित नहीं किया कि जिन को पकड़ा था, जिन को डिटेन किया था, वह वाक़ई इतने मासूम थे । वह यह साबित नहीं कर सके कि वह बेगुनाह थे । बहुत से केसेज़ आनरेबिल श्री गोपालन ने जो बताये उन को मैं नहीं जानती, उन का श्री गोपालन का केस भी नहीं जानती हूं । औरों का भी नहीं जानती । परन्तु मेरी उत्सुकता बढ़ी यह जानने के लिये कि आखिर उन्होंने क्या किया था और आखिर उन्हें क्यों पकड़ा गया । मैं उम्मीद करती हूं कि हमारे आनरेबिल होम मिनिस्टर इस पर रोशनी डालेंगे ।

मुझे इस बारे में एक बात का और भी ख्याल आया । हमारे एक बड़े वकील साहब उठे और बहुत कुछ उन्होंने इस के बारे में कहा । तो मुझे यह मालूम हुआ कि हमारे होम मिनिस्टर साहब ने यह बिल पेश करके एक बड़ा क़सूर किया है । उन्होंने यह बड़ा क़सूर किया है कि बहुत हद तक वकीलों और बैरिस्टरों को ऐलीमिनेट (eliminate) करने की कोशिश की है और यह सवाल सिर्फ़ सिविल लिबर्टीज़ (civil liberties) का ही नहीं रह जाता परन्तु यह सवाल पाकेट (pocket) का भी हो जाता है । इस बात को मैं ने अच्छी तरह महसूस किया और जहां सैल्फ़ इंट्रेस्ट (self interest) होता है तो बहुत हद तक युक्तियां भी सूझती हैं, आरग्यूमेंट्स (arguments) भी सूझते हैं । तो मैं भी साफ़ कहना चाहती हूं कि जब इस बिल का सवाल आता है तो मेरा भी सैल्फ़ इंट्रेस्ट बोलता है और मैं भी अपने सैल्फ़ इंट्रेस्ट को सामने रख कर बोलना चाहती हूं और उन सिटीज्न्स (citizens) की तरफ़ से बोलना चाहती हूं, उन लोगों की तरफ़ से बोलना चाहती हूं जिन की आज़ादी और लिबर्टी खतरे में पड़ जाती है, उन जमाअतों के जरिये जो कि इस शहर में, या हिन्दुस्तान में और इस मूल्क में डिसआर्डर (disorder) करना चाहती हैं । मुझे यह देख कर ताज्जुब होता है कि इस बिल के बारे में हमारे हाउस में और शहर में भी मैं ने सुना ऐसी जमाअतें हैं जो कि आपस में मिलकर

डिमान्स्ट्रेशन (demonstration) करना चाहती हैं और हाउस में भी ऐसी जमाअतें मिल कर इस बिल को अपोज़ (oppose) करना चाहती हैं, जिन जमाअतों के उद्देश्य में एम्स (aims) में आबजैक्टस (objects) में और सिद्धान्त में या उन सिद्धान्तों तक पहुंचने के रास्ते में भी आपस में कुछ भी चीज़ नहीं मिलती है ।

हमारे यहां कम्युनिस्ट भाई बैठे हैं । वह मुनासिव चीज़ें चाहते हैं, हम सब भी वही चीज़ें चाहते हैं । लेकिन वह जनता का नाम ले कर कहते हैं कि यहां के किसानों के ख़िलाफ़ यह इस्तेमाल किया जायेगा, मज़दूरों के ख़िलाफ़ यह इस्तेमाल किया जायेगा, जनता के ख़िलाफ़ यह इस्तेमाल किया जायेगा । हमारे बैरिस्टर साहब ने फ़रमाया कि बहुत से चेहरे हमें नज़र आते हैं अपने नौजवानों के, सुप्रीम कोर्ट के बाहर, जिन को देख कर रंज होता है । हमें भी रंज होता है ।

यह ठीक है कि हमारे नौजवान जब जेलों में डिटेन किये जाते हैं तो हमें रंज होता है, लेकिन साथ ही हमें उस समय अपने उन बेक़सूर और बेगुनाह नौजवानों की भी याद आ जाती है जो गाड़ी में सवार होते हैं और पटरी खींच ली जाने के कारण रेल दुर्घटना के शिकार हो जाते हैं और मारे जाते हैं और यह सारे कृत्य कुछ नौजवान एक ज़ील (zeal) में कर बैठते हैं और ऐसा करके वह इस देश में एक ऐसी हुकूमत बनाया चाहते हैं जिस में सब बराबर हों । जहां तक उनके उद्देश्य का सवाल है, हमारा उन से कोई मतभेद नहीं है, हम भी ऐसा ही चाहते हैं । लेकिन जब हम उनके रास्तों की तरफ़ देखते हैं तो हमें ताज्जुब आता है । और एक अजीब बात ने यह देखी कि जब से यह बिल हाउस के सामने आया है मेरे उन मित्रों ने रूस अथवा चीन की बात नहीं की जिस के बारे में हम पिछले दो महीनों से सुनते आ रहे हैं । जब गेहूं की बात आती है तो उनकी तरफ़ से कहा जाता है कि गेहूं रूस से आना चाहिये चीन से आना चाहिये और ऐक्सपर्टस् (experts) जर्मनी से आना चाहिये, लेकिन जब आज़ादी की बात करते हैं, सिविल लिबर्टीज़ की बात करते हैं, तो इंग्लैंड और अमरीका की बात करते हैं । और जिस चीन का यह मेरे मित्र यहां रोज़ आये दिन ज़िक्र करते हैं तो मुझे चीन के नेताओं की यह बात याद आ जाती है कि कांउटर रेवोल्यूश्नरीज़ (counter-revolutionaries) को वोट देने का भी अधिकार नहीं होना चाहिये और चीन के उन नेताओं के कथनानुसार वह जनता नहीं हैं । यहां मेरे सामने हिन्दी का एक ट्रान्सलेशन (translation) है जिस में चीन के एक बहुत बड़े नेता ने कहा है कि प्रतिक्रियावादियों को अपनी राय ज़ाहिर करने के हक़ से वंचित कर देना चाहिये और सिर्फ़ जनता को ही वोट देने और अपनी राय के ज़ाहिर करने का अधिकार होना चाहिये । और उनके मतानुसार जनता मज़दूर, किसान वर्ग निम्न पूंजीपति वर्ग और राष्ट्रीय पूंजीपति वर्ग हैं । इन सब वर्गों को मिलना चाहिये ताकि वह प्रतिक्रिया वादियों और काउन्टर रिवोल्यूश्नरीज़ या अपनी डिक्टेटरशिप (dictatorship) कायम कर सकें । वोट देने का अधिकार सिर्फ़ जनता को ही मिले, प्रतिक्रियावादियों को काउन्टर रेवोल्यूश्नरीज़ को वोट देने का अधिकार ही नहीं है, उनको जनता नहीं समझा जाता है । लेकिन इस के विपरीत हमारे देश में क्या देखने में आता है कि मेरे यह कम्युनिस्ट मित्र प्रतिक्रियावादियों से हाथ मिलाते हैं और गठबंधन करते फिरते हैं और मैं अदब से

[श्रीमती सुभद्रा जोशी]

कहना चाहती हूं कि यहां हाउस में जब मैं अपने कम्युनिस्ट और सोशलिस्ट मित्रों को ऐसे प्रतिक्रियावादी लोगों से हाथ मिलाते देखती हूं जो कि रिवोल्यूशन के दुश्मन है और देश को पीछे घसीटना चाहते हैं, जो कि ऐसी जमातें आरगैनाइज़ (organise) करते हैं जो देश को खत्म करना चाहती हैं और देश के टुकड़े टुकड़े कर देना चाहती हैं और गुंडाशाही स्थापित करना चाहती हैं, तो मुझे बहुत ताज्जुब होता है ।

अध्यक्ष महोदय, मैं कोई क़ानून से बहुत वाकफ़ियत नहीं रखती हूं और मैं हमेशा से अपने शहर में हुकमत के सामने क़ानून तोड़ने की मुजरिम रही हूं और अकसर तोड़ देती हूं और क़ानून टूट जाने के बाद मुझे मालूम होता है कि मुझ से अन जाने कोई सरकारी क़ानून टूट गया है और इसीलिये म आप से शुरू में प्रार्थना करती हूं कि अगर अनजाने में मैं अपनी स्पीच के दौरान में कोई ऐसा शब्द इस्तेमाल कर जाऊं जो अनपार्लियामेंटरी (unparliamentary) हो, तो मुझे उस के लिये क्षमा किया जाये और मैं उम्मीद करती हूं कि आप उस की तरफ़ मेरा ध्यान दिलावेंगे ।

जहां तक प्रिंसिपल (principle) का ताल्लुक़ है हम सब मानते हैं कि वाक़ई यह बड़ा ज़ुल्म है कि किसी को मौक़ा य बग़ैर ही जेल में बन्द कर दिया जाये उस को यह मौक़ा न दिया जाये कि उस को सफ़ाई में क्या कहना है और वह बतलाये कि वह क्या चाहता है । हर एक को इसका मौक़ा दिया जाना चाहिये । इस सिद्धान्त को सब मानते हैं और हम कांग्रेस वाले तो हमेशा आज़ादी के लिये लड़ते रहे, ऐसे लोगों की तरफ़ से ऐसा बिल आना वाक़ई में बहुत ताज्जुब की बात मालूम पड़ती है लेकिन मैं आप का ध्यान देश की वर्तमान अवस्था की तरफ़ दिलाना चाहती हूं जिन से हो कर हमारा देश गुज़र रहा है नई नई आज़ादी हम ने प्राप्त की है, नई नई हुकुमत हमारी बनी है और यह किसी हद तक दुरुस्त है कि हमारे लोग जो हुकूमत कर रहे हैं वह बहुत ऐक्सपर्टस् भी नहीं हैं । यहां पर बहुत से डिटेंशन आर्डर्स का हवाला दिया गया जिन से ऐसा मालूम हुआ कि हमारी ऐक्ज़ीक्यूटिव (executive) बहुत एफ़ीशियट (efficient) नहीं है । अभी यहां पर बतलाया गया है कि किसी ज़िला मैजिस्ट्रेट ने पांच आदमियों को यह लिख दिया कि वे पांचों एक मीटिंग पर प्रीसाइड (preside) कर रहे थे, इस से एक्ज़ीक्यटिव की इनएफ़ीशियसी ज़ाहिर होती है और इसलिये मैं चाहती हूं कि हम इन मामलों को सिर्फ़ उन ही लोगों पर न छोड़ें, बल्कि हम उस कानून को अपने हाथ में लें और वकीलों की मदद से उन के सलाह मशविरे से अदालतों की कमज़ोरियों से जो लोग बच जाते हैं जो प्रतिक्रियावादी हैं और जो हमारे देश की आज़ादी को ख़तरे में डालना चाहते हैं उन को खुली छूट न मिल जाये और हम उन को चेक (check) में रख सकें । और जैसा कि मैं ने आप से पहले अर्ज़ किया कि हमारे देश के अन्दर हालात ऐसे हैं, और हम ऐसी परिस्थितियों से गुज़र रहे हैं कि हमें बहुत सतर्क रहने की आवश्यकता है और इस सम्बन्ध में दूसरे देशों का इतिहास हमारे सामने पड़ा है कि वहां पर किस तरह जब नेशनल इंट्रेस्ट (national interest) ने डिमांड किया तो ऐसे लोगों को दंड दिया गया । वहां पर कोई ट्रायल (trial) का सवाल नहीं उठा । यह कहा गया है कि वहां बिना ट्रायल के लोग डिटेन नहीं किये जाते हैं,

लेकिन आप ने यह भी देखा कि उन देशों में वक्त आने पर ऐसे समाजद्रोही लोगों को एक साथ दीवार के सहारे खड़ा करके गोली मार दी जाती है और सबको भून डाला जाता है और इस तरह वहां पर पीपुल्स ट्रायल (peoples trial) किया जाता है। यह चीज़ भी हमारे सामने है। मैं यहां पर उस बात का कोई ख़ास जिक्र नहीं करना चाहती, मैं तो अपने देश के वर्त्तमान हालात का और यहां की पोलिटिकल पार्टीज़ का ज़िक्र करना चाहती हूं और यह बतलाना चाहती हूं कि इस प्रकार का क़ानून नितान्त आवश्यक है।

अध्यक्ष महोदय, मुझे माफ़ करें; क्योंकि मैं जिस बात का अब ज़िक्र करने जा रही हूं, वह एक व्यक्तिगत बात मालूम होती है और मेरा उससे बहुत ताल्लुक़ रहा यहां उस चीज़ का भी बहुत ज़िक्र रहा। और अक्सर उसका ज़िक्र हाउस में होता रहता है। यहां दिल्ली में एक शादी होने वाली थी। अभी मेरे एक आनरेबिल मेम्बर ने उसका ज़िक्र किया कि क्या इस डेमोक्रेटिक गवर्नमेंट में किसी को शादी करने का अधिकार नहीं है ? उस पर मेरे एक दूसरे मित्र ने कहा कि ऐज (age) का सवाल है। टीक है शादी के होने में लड़की की उम्र का सवाल उटाना मुनासिब है। मामला कोर्ट में गया, और कोर्ट का इंजंक्शन आर्डर (injunction order) भी समक्ष में आया। मुनासिब यह था कि उस लड़की को भी मौक़ा होना चाहिये कि आज़ादी के साथ वह अदालत में पेश हो कर अपनी बात कह सके। लोग उस लड़की को देखें, अदालत उस को देखे, और सबूत पेश हो और साबित हो कि क्या क़िस्सा है। लेकिन यह नहीं हो पाता और हमारी कुछ सियासी जमातें इस मामले को बढ़ाचढ़ा कर ऐसी हवा पैदा करती हैं और हमारे कुछ दोस्त ऐसा माहौल पैदा करते हैं कि वह लड़की मारी मारी फिरे और अदालत में आज़ादी के साथ सामने आ कर अपनी बात पेश न कर सके।

हमारे लोग ऐसा ऐटमास्फ़िअर (atmosphere) शहर में बनाते हैं कि वह लड़की मारी मारी फिरे, घर घर, शहर शहर मारी मारी फिरे। उस लड़की के ख़िलाफ़ मुकदमा चला, लड़की अदालत में पेश न हो सकी। अगर अदालत में जाने की कोशिश करे है तो रास्ते में हमला किया जाये। लड़की के बाप पर हमला किया जाये, लड़की की मामी पर रास्ते में हमला किया जाये, ऐसी हवा पैदा की जाती है कि लड़की सामने न आये और न यह साबित कर सके कि उस की उम्र क्या है। इस तरह के क़िस्सों से सयासी फ़ायदा उठाने की कोशिश की जाती है। तो यह अदालतें उन लोगों के लिये हैं जो नार्मल (normal) होते हैं और नार्मल टाइम्स के लिये हैं, लेकिन जब ऐसी ऐसी जमातें हों जो क़ानून तोड़ कर शहर में हुल्लड़ मचवाती हैं तो क्या किया जाये। मैं इस सारी बात का ज़िक्र नहीं करना चाहती हूं, लेकिन हम क्या देखते हैं कि यहां पर हमारी जमातों के नेताओं ने ऐसी स्पीचेज़ और लेक्चर दिये और एसी बातें कहीं जिस का यह नतीजा यह हुआ कि शहर में कत्ले आम हुआ, ख़ूनख़राबा हुआ। मैं क्या बताऊं कि जिस लड़की के लिये इतना हुल्लड़ हुआ उस की कितनी मिट्टी पलीद हुई, वह सब आज हमारे सामने है।

अध्यक्ष महोदय, मैं कह रही थी कि कानून जो होते हैं वह नार्मल लोगों के लिये और नार्मल टाइम्स के लिये होते हैं। लेकिन हमारी जमातें तो अब बड़ी होशियार हो गई हैं। मझे तो उस दिन हंसी आई

[श्रीमती सुभद्रा जोशी]

जब कि एक साहब विरोधी बैन्चेज से कह रहे थे कि कलकत्ते में जो फ़ायरिंग (firing) हो रही हैं, या हंगर मार्च (hunger march) हो रहे हैं मैं उस जमात का प्रेज़िडेन्ट हूं। गोलियां वहां चल रही हैं, मार्चेज वहां हो रहे हैं, मुकदमे वहां हो रहे हैं और प्रेज़िडेन्ट साहब यहां तशरीफ़ रखते हैं। मुझे तो सुनकर ताज्जुब हुआ। यह कोई मामूली वक्त की बातें नहीं हैं। ज़िक्र किया जाता है कांग्रेस का, ज़िक्र किया जाता है उस समय का जब कांग्रेस अपनी आज़ादी की लड़ाई लड़ा करती थी गांधी जी का नाम लिया जाता है, यह सब सुनकर मुझे ताज्जुब होता है। कांग्रेस में कभी ऐसा नहीं होता था। अगर कोई लड़ाई लड़ी जाती थी तो प्रेज़िडेन्ट साहब झंडा ले कर आगे तशरीफ़ रखते थे, घर में नहीं बैठा करते थे। पर आज़ादी आने के बाद हम ने देखा कि अब यह होने लगा कि सेना कहीं चलती है और जनरल कहीं छिप कर बैठ जाता है, सामने नहीं आता और दूसरे लोगों से जो चाहता है करवाता है। खराब खराब स्पीचेज़ देता है, खराब खराब बातें कहता है, अगर मीटिंगों पर बैन (ban) लग जाता है तो कमरे में बैठ कर मीटिंग करता है और लोगों को इन्साइट (incite) करता है और फिर कहता है कि यह सब जनता कर रही है, मेरा इस से कोई वास्ता नहीं। यह एक नई टेकनीक (technique) है, नया तरीका है। हो सकता है कि दूसरे मुल्कों में हो हमारे मुल्क में नया तरीक़ा है जो वह इस्तेमाल करते हैं और यहां पर ज़िक्र करते हैं कि इस डिटेंशन (detention) बिल में क्या क्या गलतियां हैं। मैं तो मानती हूं कि अगर हमारी एग्ज़िक्यूटिव के लोग उतने ही होशियार होते जितने आज कल के लोग हो गये हैं तो इस बिल की कतई ज़रूरत न थी, वह पकड़े जाते और मुकदमे चलते। लेकिन वह बचते फिरते हैं और छिपते फिरते हैं, तमाम कार्रवाईयां करते हैं और कुछ कहा जाता है तो कहते हैं कि हम कुछ नहीं कर रहे हैं। ऐसे लोगों के लिये नार्मल कानून से क्या काम चल सकता है। मुझे वह दिन याद आता है जब गांधी जी की हत्या हुई। अध्यक्ष महोदय, मैं चाहती हूं कि आप इस के मुताल्लिक़ याद करें और आनरेबिल मेम्बर्स याद करें कि हमारी फ़िर्क़ा-परस्त जमातों के नेताओं की स्पीचेज़ कैसी हुआ करती थीं और वह क्या क्या कह रहे थे। आप अखबारों का मुलाहज़ा फ़रमायें कि वह उस समय क्या क्या कह रहे थे और कैसी कैसी कोशिशें कर रहे थे। आज की पोलिटिकल जमातों के लोग पुरानी जमातों के नेताओं जैसे नहीं हैं। आज जो घरों में छिप कर, घरों में बैटकर गोडसे पैदा किये जाते हैं। गोडसे ने गोली मारी, गोडसे को फांसी दी गई लेकिन गोडसे पैदा करने वाले आज तक मौजूद हैं और दिन रात ऐसे लोग पैदा कर रहे हैं। वैसे तो घर में बैठे रहते हैं छिपे रहते हैं, लेकिन डिमोक्रेसी (democracy) का नाम ले कर हम लोगों के खिलाफ़ आवाज़ उठाते हैं, वह सामने नहीं आते हैं, आड़ में से ही डिमाक्रेसी की हत्या करना चाहते हैं। इसी तरह से गांधी जी की हत्या हो जाने के बाद कहने लगे कि हमारा इस से कोई ताल्लुक़ नहीं। जमातें कहने लगीं कि हमारा कोई ताल्लुक नहीं, व्यक्ति कहने लगे कि हमारा कोई ताल्लुक़ नहीं, और अब जब हत्या हुए थोड़े दिन हो गये तो फिर उठ और, अध्यक्ष महोदय, मुझे बड़े शर्म से कहना पड़ता है कि आज जब जमातों के बड़े बड़े

नेता आते हैं तो उन की जमातों के लोग जब उनका स्वागत करते ह तो कहते हैं कि गोडसे ज़िन्दाबाद, और फिर कहते हैं कि डिमाक्रेसी के नाम पर यह बिल नहीं चाहते हैं।

इसी तरह मैं अखबारों का ज़िक्र करना चाहती हूं। जो लोग काउन्टर रिवोल्यूशनरीज़ कहलाते हैं, जिन से प्रोग्रेसिव (progressive). लोग हाथ मिलाया चाहते हैं, उन काउन्टर रिवोल्यूशनरीज़ का हिन्दुस्तान के ज्यादातर अखबारों के मालिक हैं उन अखबारों का थोड़ा सा ज़िक्र मैं आप से करना चाहती हूं। गांधी जी की हत्या के पहले मैं चाहती हूं कि आप उन अखबारों की बात याद कर लीजिये कि वह क्या क्या लिखते थे।

अभी पिछले दिनों काश्मीर का ज़िक्र हुआ था और हाउस में और हाउस के बाहर बड़ा उधम मचाया गया कि काशमीर का झंडा हम नहीं मानते हैं। और हमारे एक प्रोफेसर साहब का ज़िक्र हुआ जो कि दिल्ली में ही प्रोफ़ेसर हैं। जब उनका ज़िक्र आया तो मुझे कुछ पुरानी याद आई प्रोफेसर राम सिंह न अपनी एक स्पीच में कहा था पुरानी स्पीच है और जो कुछ उन्होंने कहा उसका अंग्रेजी ट्रांसलेशन है:

> "This is not our national flag. This is foreign flag, alien flag which contains Pakistan's colour in it and so long as Pakistan's colour remains in it, it continues to be a foreign flag for us. We will not feel at rest till we have managed to hoist our national flag at the Red Fort."

Shri V. G. Deshpande: On a point of information, may I know whether this extract is from the C.I.D. report?

Mr. Chairman: Order, order, let there be no interruptions.

श्रीमती सुभद्रा जोशी: अध्यक्ष महोदय, यह पब्लिक मीटिंग की स्पीच है। मैं ने पहले ही कहा था कि यह अंग्रेजी का ट्रांसलेशन है, इसके लिये में माफ़ी चाहती हूं। में यह भी अदब से अर्ज़ करना चाहती हूं कि यह वह स्पीचें हैं जो मुहल्लों में दी जाती हैं, हो सकता है इस में कोई ग़लती हो, तो इस के लिये मैं माफ़ी चाहती हूं, लेकिन मेरी इत्तला के मुताबिक़ यह उनकी स्पीचें हैं। मैं एक और स्पीच का भी ज़िक्र करना चाहती हूं जो कि मेरे हाथ लग गई। हम लोग तो इस की तालाश में रहते ही हैं, इत्तफ़ाक़ से यह मेरे हाथ लग गई। पता नहीं है कि इस में कोई ग़लती है या नहीं, लेकिन इस को पढ़ कर मुझे हैरानी हुई। मैं तो इन साहब को जानती नहीं हूं लेकिन उनका नाम होरी लाल सक्सेना है। उन्होंने कहीं पर एक बार स्पीच दी और कहा कि :

> "I have heard to day the radio broadcast of a person who described himself as the Prime Minister of India and whom I for myself do not regard as such. He has now in most unbecoming terms threatened to sweep off all of us. We have seen enough of those who were accustomed to sweeping off others. Mussolini also used to say this but the world knows of his fate, he was shot dead and the Italians spat at his body."

मुझे यह तकरीर इत्तफ़ाक़से ही मिल गई, हालांकि मुझे बहुत ज्यादा वाक़फ़ियत नहीं है, न मैं बहुत शहरों से ताल्लुक़ रखती हूं। सन् १९४७ के बाद मैं दिल्ली में ही रही हूं। ऐसी बातें कह कर और हर लेक्चर में पाकिस्तान का बहाना बना कर हमारे प्राइम मिनिस्टर को गाली दी जाती है, और सब कुछ कह कर कभी कभी यह भी कह दिया जाता है कि हम सब पाकिस्तान से लड़ाई करना चाहते हैं।

[श्रीमती सुभद्रा जोशी]

पर पाकिस्तान का नाम ले कर यहां की हुकुमत के खिलाफ़ यहां के रहने वाले लोगों को भड़काया जाता है। अध्यक्ष महोदय, दिल्ली में जो म्युनिसिपल कमेटी के एलेक्शनस हुए उनके सम्बन्ध में जो मीटिंगें हुईं उन में तो साफ़ साफ़ कहा गया कि अगर पुरुषार्थी और शरणार्थी लोग बसना चाहते हैं, आबाद होना चाहते हैं, तो हमारे पास बहुत आसान तरीक़ा है. और वह यह कि एक दफ़ा यहां से मुसलमानों को निकाल दिया जाये फिर सारे पुरुषार्थी उनकी जगहों पर आबाद हो सकते हैं।

इतनी मीटिंग्स होती हैं, और इतनी छोटी छोटी मीटिंग्स होती हैं। मुझे बहुत ताज्जुब होता है कि हमारी हुकूमत उन के लिये कुछ क्यों नहीं करती है। कभी कभी हम कहते हैं तो हमारे आफ़िसर्स कानून की किताबें निकाल कर हमारे सामने भी कह देते हैं कि इस में कोई दफ़ा लागू नहीं होती है। अब कोई दफ़ा लागू हो या न हो, दफ़ायें और क़ानून किताबों की चीजें हैं, और वकीलों की चीजें हैं। पर जो हत्यायें, और जो खून और क़त्ल और लूटें होती हैं उन को हम दिन रात देखते हैं। और मैं समझती हूं कि अगर मामूली क़ानून से यह चीजें नहीं रोकी जा सकतीं और हुकूमत इन के लिये इस क़िस्म का बिल लाती है तो यह बहुत मुनासिब है।

जैसा मैं ने आप से पहले कहा था, एक चीज का मैं और जिक्र करना चाहती हूं। आज इंडीविजुअल लिबर्टी (individual liberty) की बात की जाती है। तो जैसा कि मैं ने आप से पहले भी कहा था मुझको भी अपनी इंडिविजुअल लिबर्टी का ख्याल आता है औरों को भी आता है। परसनल इंट्रेस्ट्स (personal interests) का भी सवाल आता है। और, अध्यक्ष महोदय मैं आप के सामने और बड़ी बड़ी बातें न करके औरतों की बात आप के सामने रखना चाहती हूं। हमारे देश में बदकिस्मती देखिये। मुझे कुछ जमाअतों का अफ़सोस के साथ जिक्र करना पड़ता है। पहले भी अच्छे और बुरे लोग होते थे। अध्यक्ष महोदय, हम लोग जब पढ़ते थे उस वक्त यह देखते थे कि अगर कोई पुरुष सड़क पर चलते हुए या बाजार भ जाते हुए किसी औरत की तरफ़ उंगली उठा देता था और वह औरत उस के खिलाफ़ आवाज उठाती थी तो शहर के और बाजार के तमाम लोग उस आदमी के खिलाफ़ हो जाते थे और उस को दुरुस्त कर देते थे। जो लोग औरतों का अपमान करने में यक़ीन रखते थे इन जमाअतों ने उन को आरगेनाइज (organise) कर दिया। और सन् १९४७ से हम देखते हैं कि उन बहिनों का नाम ले कर जो पाकिस्तान में रह गई हैं, या किसी और चीज का नाम ले कर किसी धर्म का नाम ले कर, किन्हीं बहिनों का नाम ले कर या कभी माताओं का नाम ले कर, हमारी हिन्दुस्तान की औरतों का अपमान जगह जगह किया जाता है। इंडीविजुअल लिबर्टी का तो यह हिसाब है। कहते हैं कि इंडीविजुअल लिबर्टी नहीं है। अब देखिये अध्यक्ष महोदय, इंडीविजुअल लिबर्टी का तो हमारे यहां यह हाल है कि हमारे भाई राम सुभग सिंह पालियामेंट के हाउस में पूछ सकते हैं कि होस्टैस का ताल्लुक़ क्या था कि उस को पार्टी दी गई। और भी इंडीविजुअल लिबर्टी का यह हाल है कि हमारे शहरों में हमारे देश की औरतों को नंगा करके उन का जुलूस निकाल देते हैं। इतनी इंडीविजुअल लिबर्टी है और उस को कोई रोकने वाला नहीं है, क्योंकि जैसा कि मैं न आप से पहले कहा आज कल करवाले

वाले मैदान में नहीं आते हैं। करवाने वाले तो अपने घरों में बैठे रहते हैं और दूसरे लोगों को भेज देते हैं। और अध्यक्ष महोदय, यह रोज़ का किस्सा है। मुझे यह देखकर ताज्जुब होता है। जब से यह पार्लियामेंट का सेशन शुरू हुआ है तरह तरह की बातें होती हैं। मैं यहां देखती हूं कि तनख्वाहों की बातें होती हैं, खाने की बातें होती हैं कपड़े की बातें होती हैं और मैं देखती हूं कि हमारे हाउस के मेम्बर इन चीज़ों की रक्षा करने की बहुत कोशिश करते हैं। लेकिन मुझे बड़ा ताज्जुब होता ह कि एक जो बड़ा भारी खतरा है और हमारे देश में औरत की इज्जत को बहुत बड़ा खतरा है इस की तरफ़ किसी का ध्यान नहीं जाता है। मैं याद करवाना चाहती हूं कि आनरेबिल मेम्बर्स को कि औरतें हमारे घरों में पत्नी के रूप में, बहिनों के रूप में और माताओं के रूप में हैं और जिस तरफ़ हमारे देश के वह लोग जो कि अपने को सयासी जमातें कहते हैं इस वक्त देश को लिये जा रहे हैं उस तरफ़ हमारे देश की औरतों की इज्ज़त के लिये बहुत भारी खतरा है। और मैं अध्यक्ष महोदय, एक ज़िक्र करना चाहती हूं। यह एक छोटी सी बात है पर चूंकि . . . .

Mr. Chairman: How long will the hon. Member take? कितना वक्त और लगेगा आप को ?

Shrimati Subhadra Joshi: I can continue tomorrow, Sir.

1 P.M.

Mr. Chairman: Yes, she may continue her speech tomorrow.

The House then adjourned till a Quarter Past Eight of the Clock on Tuesday, the 22nd July, 1952.